

MAINE STATE LEGISLATURE

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DEPARTMENT OF

**Professional &
Financial Regulation**

STATE OF MAINE

- OFFICE OF SECURITIES
- BUREAU OF INSURANCE
- CONSUMER CREDIT PROTECTION
- BUREAU OF FINANCIAL INSTITUTIONS
- OFFICE OF LICENSING AND REGISTRATION

Program Evaluation Report

As Required by the Government Evaluation Act
(3 MRSA § 955)

Submitted to the

Joint Standing Committee on
Insurance and Financial Services

And

Joint Standing Committee on Business,
Research and Economic Development

November 1, 2007

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

Program Evaluation Report

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DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

Department Overview

The Department of Professional and Financial Regulation serves and protects the public through a broad range of statutorily-authorized responsibilities, such as examining and overseeing state-chartered financial institutions and bank holding companies; regulating insurance companies, agencies and producers; administering and enforcing the Maine Uniform Securities Act; regulating grantors of consumer credit; and by licensing and regulating numerous professions and occupations.

The Department protects Maine consumers through its licensing, examining and auditing activities. It conducts programs aimed at increasing voluntary compliance with State laws, investigates possible violations of law and undertakes enforcement actions. The Department responds to consumer complaints and requests for information. Staff also conduct educational outreach programs to make consumers aware of their rights under Maine laws. During 2007, Department efforts to provide services and resources to the public through online applications and public forums have been enhanced.

Mission Statement

The mission of the Department of Professional and Financial Regulation is to encourage sound, ethical business practices through high quality, impartial and efficient regulation of insurers, financial institutions, investment advisers, creditors and numerous professions and occupations or the purpose of protecting the citizens of Maine.

History and Organization

The Department of Business Regulation was created in October 1973 as part of State government reorganization designed to consolidate related agencies along functional lines and strengthen executive direction. Some of the agencies originally placed under the jurisdiction of the Department were the Bureau of Banking, the Bureau of Insurance, and the Real Estate Commission.

The Special Session of the 106th Legislature established the Bureau of Consumer Protection (recently renamed the Bureau of Consumer Credit Protection) to enforce the Maine Consumer Credit Code, which became effective January 1, 1975. In 1987 the name of the Department was changed to Professional and Financial Regulation.

The special session of the 107th Legislature established a central licensing division, now called the Office of Licensing and Registration (OLR). Since that time, several new state licensing programs have been created and placed within OLR. Licensing programs have also been transferred to OLR from other departments, and existing independent agencies have been moved into OLR. Today, the Office oversees 40 licensing programs.

Currently, the Department consists of a centralized Administrative Services Division which includes the Commissioner's office and 5 agencies: the Bureau of Financial Institutions (formerly the Bureau of Banking), the Bureau of Consumer Credit Protection (formerly the Office of Consumer Credit Regulation and renamed in 2007), the Bureau of Insurance, the Office of Securities, and the Office of Licensing and Registration.

In addition to the 40 licensing programs directly administered by OLR, six professional licensing boards are affiliated with the Department: the Board of Licensure in Medicine, the Maine State Board of Nursing, the Board of Dental Examiners, the Board of Registration for Professional Engineers, the Maine State Board of Optometry and the Board of Osteopathic Licensure. These "affiliated" boards are scheduled for review under the provisions of the Government Evaluation Act by the Joint Standing Committee on Business, Research and Economic Development in 2011.

Staffing Size and Composition

With a position count of 201 employees, the Department is relatively small compared to other cabinet-level agencies. Due to the complex nature of its regulatory activity, the Department employs professional and technical employees, including CPAs, actuaries, attorneys and licensed inspectors. Approximately 45 financial examiners and professional regulatory board inspectors are on staff, working primarily in the field.

The Department emphasizes continuing professional education, training and development. The staff is highly motivated and dedicated to quality regulation and public service.

Department Funding Source

The Department is funded entirely through dedicated revenue sources. As a result, each organizational unit within the Department is funded by a combination of licensing, examination, assessment, volume and filing fees paid by the regulated individuals or entities.

The Department contributes significantly to the General Fund through the Office of Securities' registration & licensing fees, as well as fines collected from other Department agencies and periodic transfers of Other Special Revenue funds. During the past years, those transfers have totaled over \$29 million.

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

ADM! ISTRATIVE SERVICES DIVISION

A. Enabling or Authorizing Law

The Administrative Service Division is authorized through 10 MRSA §8003.

B. Description of Programs

The Administrative Services Division coordinate administrative and legislative support for all bureaus, offices, boards and commissions within the Department. It also procures and facilitate the Department's information technology services. The Division's centralized support covers such functions as budget development, contract review, purchases, cash receipts, computer service, legislative support, public communications, reception and facility management.

The Division provides the services described above for the entire Department. Additionally, the Division is responsible for ordering and arranging for the services provided to all units by outside staff agencies including the Department of Administration and Financial Service. – service enters the building owner and by private parties and vendor.

The Division manages the development and administration of the Department's centralized licensing database. Technical support for all Department computer services is provided by or procured through the Office of Information Technology.

The Commissioner is the administrative head of the Department. In this capacity, the Commissioner provides centralized budgeting coordination, initiates and monitors all policy implementation and strategic planning, and directs the day-to-day management of the Department. The Commissioner develops the Department's legislative program and coordinates it within the Department and with the Administration.

The Commissioner is responsible for reviewing the policy and operation of agencies within the Department to insure that each complies with its statutory and public service responsibilities. The Commissioner may not interfere with the exercise of discretionary regulatory or licensing authority vested by statute directly in the bureaus, offices, boards and commissions of the Department.

In the case of affiliated boards, the Commissioner acts as a liaison with the Governor and with other units of state government. Affiliated boards submit their budgets through the Department.

C. Organizational Structure

The Administrative Services Division is headed by the Commissioner and presently has 7 authorized positions.

There are distinct functional units within the Administrative Services Division. The first is the Office of Commissioner, which serves as the central point of leadership within the Department. The Commissioner's office coordinates Department-wide strategic planning and policy development; serves as the primary contact for the Governor's office, the Legislature and other governmental agencies; facilitates communications with the public and media; ensures intra-agency cooperation and collaboration.

The Administrative Unit provides centralized fiscal and facility management for the Department, while the Information Systems Support Services Unit coordinates automation and electronic communication objectives.

A Divisional organizational chart is found in Attachment A. It outlines the Division's personnel structure and relationship to the Department.

D. Compliance with Federal and State Health and Safety Laws

All agencies within the Department of Professional and Financial Regulation fully participate in the Department's 'Health and Safety Team' and Building Response Team. Both organizations have developed policies designed to ensure compliance with state and federal health and safety laws, including the Americans with Disabilities Act. Additionally, the Department adheres to the accessibility standards and policies adopted by the Maine Office of Information Technology.

E. Financial Summary

The Division's financial summary is found in Attachment A.

F. Regulatory Agenda and Summary of Rules Adopted

Not applicable to the Administrative Services Division.

G. Areas of Coordination with Other State and Federal Agencies

The Division is the primary liaison to the State Budget Office, the Controller's Office, the Department of Audit, the Legislature and the Governor's Office.

The Division also works closely with the Administrative and Information Technology Service Centers within the Department of Administrative and Financial Services (OAFS) to coordinate support to the agencies and boards within the Department.

II. Constituencies

The Division primarily serves to support the agencies within and the boards affiliated with the Department.

I. Alternative Delivery Systems

In coordination with the Office of Information Technology, the Division has made aggressive use of information technology assisting agencies within the Department. In the past ten years, this cooperative effort has resulted in the addition of online applications, online renewal service, many downloadable forms, online licensee search features and many other electronic processes.

J. Emerging Issues

The Division is working to increase consumer protection outreach initiatives. Special attention is being paid to Maine's older population. Seminars and forums are being held throughout the State to raise awareness about issues of concern to seniors, including financial scams and other fraudulent activity and to provide a range of services and assistance.

K. Information Specifically Requested by Committee

None requested.

L. Comparison of Related Federal Laws and Regulations

Not applicable to the Administrative Services Division.

III. Collecting, Managing and Using Personal Information

Agencies within the Department of Professional & Financial Regulation collect personal information in a variety of ways. For purposes of this policy, "personal information" includes but is not limited to home address, telephone number, and financial and medical information. Social Security Numbers and personal information are collected on license applications and during complaint investigations and compliance examinations.

The Department's policy is intended to raise the awareness of employees about the proper use of Social Security number and personal information; to prevent the indiscriminate release of such personal information; and to establish a procedure to assure that public and Freedom of Access (FOA) requests are made and responded to in accordance with the law.

Several factors make such awareness important. First, State law provides that information in the State's possession is generally available to the public unless it is deemed confidential by the statute. Second, the Department is taking steps to provide more and more information to the public via its Internet websites. Third, at the state and national levels increased attention and concern are focused on the issue of privacy and access to sensitive, personal information.

Policy

1. PFR employees should not disclose or release Social Security Numbers contained in agency files. PFR employees receive frequent requests for copies of license applications and lists of licensees. Employees should redact any Social Security numbers before sending out documents responsive to the requests.
2. Each agency should designate an attorney or manager responsible for processing and responding to requests for personal information, including FOA requests. If a PFR employee receives a request from the public to review or copy documents containing personal information, the employee shall ask that the request be in writing. In addition, all responses to such request shall be reviewed by the designated attorney or manager.
3. In processing a public or FOA request, each agency should redact information protected by statute. In addition, the agency should determine whether the request can be responded to without supplying other personal information. Each agency may have specific information which is protected by law or regulation.
4. When posting information on PFR's website, agencies should *not* post personal information, such as home address and telephone numbers. An exception to this rule would be in case in which such information is directly applicable to a licensee's business, such as when a home address is also a business address or a home telephone number is also a business telephone number. Under no circumstances should Social Security number be posted.
5. Each agency should use its best efforts when collecting information to provide notice regarding whether the information will be treated as public or confidential information.

• *List of Reports, Applications and Other Paperwork*

The Division coordinate all financial and budgetary reporting, including annual report submissions, biennial budgets, annual work programs, GAAP closing, SEFA reporting, audit statements and various others required by the Department of Administrative and Financial Service.

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

BUREAU OF FINANCIAL INSTITUTIONS

C. Enabling or Authorizing Law

The Bureau of Financial Institutions is authorized through 9-B MRSA § 111 and § 121; and 9-A MRSI sub-§ 1-30 I(2).

B. Description of Programs

The Bureau of Financial Institutions supervises all state-chartered financial institutions including banks, credit unions, and non-depository trust companies. The Bureau maintain and promote safe and sound financial practices' strength, stability and efficiency of financial institutions; security of deposit and share funds; reasonable and orderly competition; and development and expansion of financial services advantageous to the public welfare.

With respect to the agency's authority pursuant to the Maine Credit Code, the Bureau supervises financial institutions in such a way as to protect consumers against unfair practices by financial institutions that provide consumer credit, to provide consumer education and to encourage the development of economically sound credit practices.

The following programs are administered by the Bureau with equal priority:

- Conducting safety and soundness and regulatory compliance examinations of state-chartered banks, credit unions, and non-depository trust companies;
- Issuing cease and desist orders due to unsafe or unsound practices, violations of laws, conditions imposed by the Superintendent, or agreements entered into with the Bureau;
- Acting on applications regarding most corporate activity, including the formation of new financial institutions, ownership changes, and mergers;
- Investigating complaints; and
- Educating consumers about their rights and responsibilities under our laws.

Pursuant to § 221 of the Banking Code, the Superintendent shall examine each financial institution organized pursuant to Maine law at least once every 36 months or more frequently as the Superintendent determines. These examinations are often scheduled in conjunction with federal regulators in order to maximize regulatory resources and minimize industry disruption. The Bureau has consistently examined financial institutions organized pursuant to Maine law at least once every 36 months and often with greater frequency.

The Bureau has a Consumer Outreach Specialist on staCr to answer consumer questions and help resolve disputes between financial institutions and consumers. Additionally, the Bureau makes educational materials available to the public and maintains an online presence to provide resources to consumers on a constant basis. The Bureau's website provides information on Maine financial institutions, laws and regulations, ID theft, consumer scams and other essential topics.

Most recently, the Bureau worked with the Business, Research and Economic Development Committee and various stakeholders in late 2006 and early 2007 to develop and disseminate a brochure regarding "Debit Card Holds", an issue of concern to many consumers.

C. Organizational Structure

The Bureau is headed by a Superintendent and presently has 21 authorized positions. Since 1985 the Bureau has been divided into two functional groups: an Examination and Supervision Division and a Research and Administration Division. The Office of Securities was a division within the Bureau until 2001, but is now a separate agency within DPPR. The Bureau's organizational flowchart is found in Attachment B.

D. Compliance with Federal and State Health and Safety Laws

In coordination and cooperation with the other agencies within the Department, the Bureau fully participates on the Department's Health and Safety Team and Building Security Committee. Both organizations have developed policies designed to ensure compliance with state and federal health and safety laws, including the Americans with Disabilities Act.

E. Financial Summary

The Bureau's financial summary is found in Attachment B.

F. Regulatory Agenda and Summary of Rules Adopted

The Bureau's regulatory agenda is found in Attachment B. Summary of rules adopted:

| | |
|---|--|
| <i>Rule 9</i> -- Advertising by Financial Institutions, Credit Unions, Bank Holding Companies and Service Corporations: | Revised 3/5/06 |
| <i>Rule 18</i> Funds Availability/Deposit Disclosure: | Revised 4/15/02 |
| <i>Rule 29</i> Securities Activities in Financial Institutions: | Revised 12/31/05 |
| <i>Rule 3J</i> -- Semiannual Assessments: | Revised 10/26/04 |
| <i>Rule 36</i> - Deposit Production Offices: | Effective 2/23/97; Revised 10/17/05 |
| <i>Rule 37</i> - Interstate Branch Assessment: | Effective 1/14/97 |

F. Regulatory Agenda and Summary of Rules Adopted (continued)

| | |
|---|---------------------------------------|
| Truth-in-Lending Regulation 2-2: | Effective 5/28/97; Revised 7/28/02 |
| Rule 39 – Sale of Insurance Product by Financial Institutions and Supervised Lenders: | Effective 11/24/97 |
| Rule 40 - Student Loan Disclosures: | Effective 8/1/00 |
| Rule 41 - Annual Assc's m't - Non-depository Trust Companies, Uninsured Banks and Merchant Banks: | Effective 1/22/02; Revised 1/14/04 |
| Rule 42 - Charges Permitted for Certain Consumer Loans: | Effective 3/24/04 |
| Rule 43 - Multiple of Federal Minimum Wage: (amendments currently being drafted to take into account the State Minimum Wage) | Effective 6/18/05 |
| Draft Rule 44 - Tangible Net Benefit and Ability to Pay: | Being Drafted |

G. Areas of Coordination with Other State and Federal Agencies

Department of the Secretary of State

The Department of the Secretary of State is provided notice by the Bureau when it approves new bank charters, mergers or acquisitions; the Bureau works with applicants to ensure that filings are timely and complete. The Bureau coordinates with the Department of the Secretary of State to assure compliance with "restricted teller" statute. In order for entities to use certain terms, such as "bank," "savings," "trust," and derivatives thereof, permission from the Bureau must first be obtained.

Office of the State Treasurer

The Bureau also works closely with the Abandoned Property Division of the Office of the State Treasurer to administer Maine law requiring that unclaimed property (including financial institution derelict accounts) remaining inactive for five years be escheated to the State. The Bureau performs periodic on-site examinations of state-chartered financial institutions to assure compliance.

Office of the Attorney General

The Office of the Attorney General represents the Bureau of Financial Institutions in administrative hearing or other litigation proceedings. The Office of the Attorney General also assists the Bureau in drafting and reviewing enforcement actions and rules. The Bureau of Financial Institutions may refer complaints or suspected criminal activities, fraud and unlicensed practice to the Office of the Attorney General and work in cooperation with assistant attorney general during the investigative phases of these matters and consumer complaints.

Federal Agencies and National Associations

The Bureau coordinates policy, examination, applications and safety and soundness issues with the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Federal Reserve Bank of Boston, the Federal Reserve Board and the National Credit Union Association. The Bureau has recently entered into a Memorandum of Understanding with the Office of Foreign Assets Control and the Financial Crimes Enforcement Network which sets forth procedures for the exchange of information between these agencies.

H. Constituencies

The Bureau's primary constituency is Maine's consumers and approximately 51 state-chartered financial institutions with assets totaling approximately \$14 billion. Due to interstate banking/branching, the universal bank charter and "niche" banks, bank assets under supervision through corporate reorganizations, sale of branches, and new bank charters, the Bureau's constituency continues to evolve.

I. Alternative Delivery Systems

The Bureau has implemented the initiatives outlined below in an effort to enhance cost-effective regulation of state-chartered financial institutions.

- Divided examination programs--alternating on-site examinations with the appropriate federal agency;
- Continued use of joint examinations--alternating on-site examinations with two or more regulatory agencies, producing one report;
- Continued use of an off-site component--initial preparatory and/or analytical work of an examination is conducted off-site (usually Bureau headquarters), saving the financial institution the expense of examiner travel and disruption of the examination team conducting on-site exams;
- Scheduling of examinations based upon asset size and condition--financial institutions under \$500 million in assets and with examination rating of I or 2 may have examination frequency expanded to once every 18 months.

The Bureau has also entered into cooperative examination and information-sharing agreements with other state or federal regulatory agencies. This provides [or comprehensive oversight of banks with minimum expenditure of state resources, and enhances the delivery of quality services to Maine people and businesses.

Regarding services for consumers, the Bureau employs a full range of delivery methods. The Bureau's website (www.maine.gov/ppl-financialinstitutions/) provides continuous access to consumer protection services. The Bureau also employs a Consumer Outreach Specialist who addresses consumer cases and conducts educational outreach seminars.

The safety and soundness of state-chartered financial institutions is essential to the economic welfare of the State. Privatization of regulatory efforts in this regard raises complex issues which could have substantial impact on the economy. Any consideration of privatization should be considered with significant caution.

J. *Emerging Issues*

Integrated Financial Services industry

In 1999 the Gramm-Leach-Bliley Act was passed, updating U.S. financial service laws and breaking down the barriers between commercial banks, securities firms and insurance companies. The Act also permits financial organizations flexibility in structuring these new financial affiliations through a holding company structure, or a financial subsidiary. Since then, the Bureau and other state and federal regulators have evolved to provide more functional regulation of this increasingly integrated financial services industry.

Federal Preemption

The debate over whether federal banking law may preempt state banking law has been an ongoing one. In April 2007, the U.S. Supreme Court decided in favor of a national bank, Wachovia, which succeeded in obtaining a declaration that the Michigan statutes at issue were preempted by the National Banking Act. While the majority decision is limited in its scope, the question of federal preemption is one which the Bureau continues to monitor closely with the Legislature and consider carefully in its deliberations.

Predatory Lending

In June 2007, after unanimously passing in the House and Senate, Governor Baldacci signed into law *An Act to Protect Maine Homeowners from Predatory Lending*. This law makes significant changes to current Maine law relating to residential mortgage loans and permissible high-rate, high-fee mortgages.

The law updates and amends current law to address predatory and abusive lending practices and to provide additional protections for Maine consumers. In October 2007, the Bureau, in conjunction with the Bureau of Consumer Credit Protection proposed rulemaking prescribed by the Act.

K. *Information Specifically Requested by Committee*

None requested.

L. Comparison of Related Federal Laws and Regulations

In an effort to maintain competitive equality between state and federal chartered institutions, there are numerous state banking laws that are similar to federal banking laws. Maine has consumer protection laws, such as the recent *Act to Protect Maine Homeowners From Predatory Lending*, which provide greater protections than those afforded by federal law. However, given the issue of federal preemption, such laws in general may only apply to state-chartered financial institutions.

M. Collecting, Managing and Using Personal Information

The Bureau receives personal information via two of the programs it administers: investigating complaints and considering applications. All personal information the Bureau receives is confidential, pursuant to § 226 of the Maine Banking Code, and violation of this confidentiality provision may result in criminal penalties. The only personal information the Bureau receives is provided either voluntarily by the complainant or by a person applying for a charter or change of ownership.

The Bureau has a policy requiring the use of encrypted e-mail whenever messages are sent through the State system. Additionally, those consumers submitting personal information to the Bureau via the Internet now have the choice of doing so via encrypted e-mail to ensure confidentiality. Furthermore, the exchange of other bank information with federal regulators is via secure systems.

The Bureau abides by state retention policies and destroys records accordingly. Furthermore, all documents discarded by Department employees, including those within the Bureau, are shredded.

During 2006, the Bureau adopted new policies and procedures designed to enhance the security of electronic messaging and electronic data in its possession. Furthermore, in October 2006, the Bureau implemented an "Examination Information and Laptop Security Policy" designed primarily for field examiners, but applying to all Bureau employees assigned a laptop computer. This policy provides for the technical security of information stored on laptops, the physical security of laptops, and other measures, including the retention of data on laptop computers and security incident reporting.

As of January 31, 2007, state agencies and businesses are now required under Maine law to provide notice to consumers when a breach of their personal information has occurred. The Bureau is aware of its responsibilities under this new law and continues to make protection of confidential information a priority.

N. List of Reports, Applications and Other Paperwork

Bureau of Financial Institutions' Reports (as of September 26, 2007):

| Report | Statutory Requirement | Date Adopted | Frequency | Number Filed | Number Filings Anticipated | Reduction Planned |
|-----------------------------|-----------------------|----------------------------------|--|--------------|----------------------------|-------------------|
| Assessment | 9-B MRSA §214 | Included in 1975 recodification. | Quarterly | 48 | 46 | None. |
| Condition and Income Report | 9-B MRSA §222(3) | Included in 1975 recodification. | Quarterly | 48 | 46 | None. |
| Maine Interstate Repoli | 9-B MRSA §222(1) | 1985 (Est.) | Quarterly | 6 | 8 | None. |
| Initial Notification | 9-A MRSA §6-202 | 1996 | Upon commencement of business activity in Maine. | 10 | [0 | None. |
| Annual Notification | 9-A MRSA §6-202 | 1996 | Annually | 137 | 135 | None. |
| Officer's Questionnaire | 9-B MRSA §222(3) | 1978 (Est.) | Annually | 35 | 33 | None. |
| Changes in Capital | 9-B MRSA §222(3) | 1990 | Semi-Annually | 14 | 14 | None. |
| Restricted Terms Filing | 9-B MRSA §241(9) | Included in 1975 recodification. | Upon commencement of business activity in Maine. | 36 | 35 | None. |

Bu/-call of Financial Institutions' Applications: All application requirements are reviewed periodically to minimize burden on regulated entities and for consistency with federal filing requirements; many applications have been reduced to notification if applicant meets certain criteria.

| Applications * | Statute | #A | #E |
|-------------------------------------|------------------|----|----|
| Establish new bank | Chapters 31 & 32 | 2 | 2 |
| Establish, relocate, close branch | Chapter 33 | 24 | 20 |
| Federal to state charter conversion | Chapter 34 | 0 | 0 |
| Convert mutual to stock | Chapter 34 | 0 | 0 |
| Merge with another FI | Chapter 35 | 2 | 2 |
| Establish subsidiary | Chapter 44 | 2 | 3 |
| Holding company acquisition | Chapter 101 | 2 | 2 |
| Change in ownership | Chapter 101 | 2 | 1 |
| Mutual holding company reorg | Chapter 105 | 2 | 2 |
| Credit Unions | | | |
| Establish credit union | Chapter 81 | 0 | 0 |
| Establish, relocate, close branch | Chapter 82 | 5 | 5 |
| Federal to state charter conversion | Chapter 87 | 1 | 2 |
| Merge with another CU | Chapter 87 | 4 | 4 |

* Applications are only filed when an institution initiates the proposed activity
 #A is applications filed between 7/1/05 and 6/30/07
 #E is applications anticipated between 7/1/07 and 6/30/09

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

BUREAU OF CONSUMER CREDIT PROTECTION

I A. *Enabling or Authorizing Law*

The Bureau of Consumer Credit Protection (BCCP), formerly the Office of Consumer Credit Regulation, is authorized through the following sections of Maine law:

| | |
|---------------------------------|---|
| 9-A MRSA § 1-101 <i>et seq.</i> | Maine Consumer Credit Code |
| 10 MRSA § 1-101 <i>et seq.</i> | Plain Contract Language Law |
| 10 MRSA § 1311 <i>et seq.</i> | Fair Credit Reporting Act |
| 5 MRSA § 4595 <i>et seq.</i> | Fair Credit Extension Section, Maine Human Rights Act |
| 17 MRS; § 701 <i>et seq.</i> | Budget Planning Business |
| 30-; MRSA § 3960 <i>et seq.</i> | Pawn Brokers |
| 32 MRS; § 6101 <i>et seq.</i> | Money Transmitters Act |
| 32 MRSA § 6151 <i>et seq.</i> | Non-bank Cash-Dispensing Machines |
| 32 MRSA § 6131 <i>et seq.</i> | Check Cashers / Foreign Currency Exchangers Act |
| 32 MRS; § 6171 <i>et seq.</i> | Debt Management Service Providers Act |
| 32 MRSA § 11001 <i>et seq.</i> | Fair Debt Collection Practices Act |
| 33 MRS; § 521 <i>et seq.</i> | Funded Settlement Act |

I B. *Description of Programs*

The BCCP was established to protect the citizens of Maine from unfair and deceptive practices with respect to consumer credit. The primary responsibility of the agency is to protect Maine consumers through implementation of the Maine Consumer Credit Code. The Code requires the agency to promote the development of equitable consumer credit practices; encourage competition among credit grantors; and ensure that the regulation of consumer credit transactions in Maine conforms to the policies of the federal Truth-in-Lending Act and the Real Estate Settlement Procedures Act (RESPA).

Additionally, the agency is responsible for administration of consumer-related state laws concerning retail creditors, mortgage companies, collection agencies, "plain language" consumer loan contracts, credit reporting agencies, loan brokers, mortgage loan officers, rent-to-own companies, pawnbrokers, personal finance companies, money order issuers, check cashers, foreign currency exchangers, non-bank ATM operators, debt management and debt settlement companies, repossession companies, payroll processors, servicers of credit contracts, providers of consumer arbitration services, and litigation funding companies.

The mission and priorities of the BCCP are focused on consumer protection and consumer assistance. Other regulatory activities of the agency, such as licensing and registration, conducting compliance examinations, providing consumer education, and participating in legislative activities, emanate from the need to provide protection for the public.

On average, approximately 1,000 formal, written complaints are received each year in the BCCP, which has established strict performance targets to best ensure prompt resolution of those complaints. At the present time, 98.4 percent of those complaints are resolved within 90 days. If a consumer complaint results in the need to impose administrative sanctions on a company, investigation and development of that administrative enforcement action may take additional time and involvement.

On average, the BCCP issues more than 25 enforcement orders and consent agreements each year, with many such disciplinary proceedings requiring the involvement of the Office of the Attorney General. Efforts of the BCCP have resulted in credits or refunds to Maine consumers averaging \$218,802.10 annually during each of the past five years.

The BCCP measures its performance through the resolutions of consumer complaints received by the office; by the numbers and results of enforcement actions; and by the promptness of the issuance of licenses and registrations to the thousands of regulated companies—located both within the State of Maine as well as across the country and internationally.

The BCCP also measures its efficiency through the completion of compliance examinations. During the past five years, the agency has conducted 2,449 compliance examinations, with each examination requiring a written report to the regulated company clarifying what must be done to bring its activities into regulatory compliance.

To the extent permitted by resources, the BCCP provides educational speakers to schools, organizations that advocate on behalf of seniors, and other consumer groups. The Bureau averages more than 20 presentations each year.

Finally, the BCCP participates in the Legislative process, with a small number of its own initiatives, but more commonly in response to initiatives by individual legislators, following requests by the Legislative committees of jurisdiction to provide information, advice and guidance through the Legislative deliberation process. During the most recent First Session of the 123rd Legislature, the BCCP actively participated in the development and review of 25 separate pieces of legislation, providing testimony and taking part in the public hearing and work session processes.

C. Organizational Structure

The BCCP is headed by a Superintendent and presently has 14 authorized positions. The Bureau is divided into three functional groups: Examination, Licensing and Consumer Complaint Resolution. The Bureau's organizational chart is found in Attachment C.

D. Compliance with Federal and State Health and Safety Laws

In coordination and cooperation with the other agencies within the Department the BCCP fully participates on the Department's Health and Safety Team and Building Security Committee, which have developed policies designed to ensure compliance with state and federal health and safety laws, including the Americans with Disabilities Act.

E. Financial Summary

The BCCP financial summary is found in Attachment e.

F. Regulatory Agenda and Summary of Rules Adopted

The BCCP regulatory agenda is found in Attachment e. Summary of rules adopted:

Rule 50() - Loan Officer Continuing Education Rule

Rule 550 - Predatory Mortgage Lending - currently in the APA process.

Rule f20 - Garnishment Limits Rule

G. Areas of Coordination with Other State and Federal Agencies

Department of the Secretary of State, Bureau of Motor Vehicles

The BCCP works with the Bureau of Motor Vehicle to ensure lien holders of record (auto dealers that sell on credit) are registered with Beep in accordance with the numerical standards set forth in Title 9-A, Sections 1-301 (13) and (17).

FinCEN and IRS

The Beep entered into a Memoranda of Understanding with the Office of Foreign Assets Control and the Financial Crimes Enforcement Network and with the IRS, to ensure seamless communications on money transmitter enforcement issues.

Office of the Comptroller of the Currency (OCC)

The Beep established a line of official communications with the *OCC* to ensure that Maine customers of national banks receive satisfactory responses to their complaints. A written confidentiality sharing agreement was entered into with the *OCC* to permit the sharing of specific consumer complaint data.

Office of Maine's Attorney General

When litigation is necessary to effect compliance the Office of the Attorney General represents the BeCp in administering hearings and pursuing litigation, and assists in drafting and reviewing enforcement documents and rules.

H. Constituencies

The Bureau of Consumer Credit Protection's primary constituency is Maine consumers,

Secondary constituencies include the various business entities required to obtain licenses or to register with the agency and that are subject to compliance examinations and other enforcement actions to ensure consistency with Maine laws. These businesses include non-bank mortgage companies, retail creditors, collection agencies, credit reporting agencies, loan brokers, mortgage loan officers, rent-to-own companies, pawnbrokers, personal finance companies, money order issuers, check cashers, foreign currency exchangers, non-bank ATM operators, debt management and debt settlement companies, repossession companies, payroll processors, of credit contracts, litigation funding providers and consumer arbitration provider,

Both consumer and business constituencies have been served, not only through the prompt responses to consumer complaints and prompt decisions on applications for license and registrations, but also by the development of a comprehensive website, to provide methods of electronic access to the agency and to appropriate forms and applications,

I. Alternative Delivery Systems

The Bureau of Consumer Credit Protection has made great strides in offering alternative delivery systems to its constituencies. Consumers can download complaint forms from the BCCP homepage, to be completed and submitted by mail. In addition, consumers can submit electronic-only complaints, for those categories of complaints that do not require supplementation by copies of mortgage deeds or other documents.

Companies and individuals regulated by the BeCp make heavy use of the Bureau's online resources. All application forms, frequently asked questions, and other licensing and registration materials are available online. The BCCP offers an increasing number of Internet-only features. Mortgage companies and loan brokers, for example, have registered more than 15,000 individual loan officers utilizing the BCCP Internet-based registration system.

Once approved by the BeCp, education and certification programs (to the extent required by statute) are posted on the website for use by loan officers, credit counseling company employees and other regulated professionals,

Strides have also been made to provide non-invasive compliance examinations for those companies located a substantial distance from Maine or that have a limited volume of Maine business. For several years, the proportion of compliance examinations conducted at the Beep headquarters in Gardiner, as opposed to those conducted in the offices of the creditor, has increased steadily.

Since creditors must reimburse the State for all costs of travel, this move to in-office compliance examination represents great savings and efficiencies for companies regulated by the Bureau. Currently, 40% of all compliance exams are conducted at the Bureau, as opposed to personally at the creditor's location.

The BeCp continues to increase its offerings of electronically-based accommodations, both for consumers and for companies wishing to comply with registration and licensing requirements.

J. *Emerging Issues*

In June 2007, after unanimously passing in the Maine House of Representatives and State Senate, *An Act to Protect Maine Homeowners from Predatory Lending* was signed into law by Governor Baldacci. This law makes significant changes to current Maine statutes relating to residential mortgage loans and permissible high-rate, high-fee mortgages. It updates and amends existing law to address predatory and abusive lending practices and to provide additional protections for Maine consumers. The BeCp, and the Bureau of Financial Institutions, are currently promulgating rules as prescribed by the Act.

Because of the nature of the companies it regulates (non-bank mortgage companies and loan brokers), the BCCP will bear primary responsibility for practical implementation of the aspects of the new law. The vast majority of high-rate, high-fee loans, for example, are made by entities regulated by the BCCP. In addition, the Legislature provided specific tools to assist in this task; namely, the addition of an investigator to the BeCp to be specifically assigned to predatory lending prevention activities, and an attorney who will develop cases for prosecution.

Other emerging issues include regulation of payroll processing companies, following several high-profile payroll company insolvencies. In 2005, the Legislature assigned responsibility for oversight of payroll processing companies to the Bureau. No unreimbursed insolvencies have occurred since that time partly because of the existence of bonding and escrow requirements.

Most recently, the Legislature assigned to the BCCP the tasks of regulating pre-settlement litigation funding companies that provide funds to consumers who are involved in civil litigation. This follows similar oversight in past years of loan brokers, rent-to-own companies and providers of consumer arbitration services and other consumer financial service providers.

K. *Information Specifically Requested by Committee*

None requested.

L. Comparison of Related Federal Laws

A principal component of the Maine Consumer Credit Code is the Truth-in Lending requirements found in Article 8. These requirements--including treatment of high-rate, high-fcc mortgage loans--mirror and supplements rules at the federal level. The federal government does not offer practical or local enforcement authority in this area, so the Maine remedies are a vital element of effective compliance and consumer protection.

Maine's Fair Debt Collection Practices Act mirrors the federal law, but provides the important additional elements of state-level licensing and enforcement. The Federal Trade Commission (FTC), responsible for federal enforcement, cannot provide practical consumer assistance. That assistance for Maine consumers is provided by the Bureau of Consumer Credit Protection.

Maine's Fair Credit Reporting Act mirrors, and supplements, the similar federal law, and adds valuable requirements for registration and compliance examination. Also regulated at the federal level by the FTC, credit reporting complaints are addressed on an effective, day-to-day consumer assistance level only by the Bureau of Consumer Credit Protection, with respect to Maine consumers.

The Bureau also provides practical enforcement authority with respect to other federal laws, including the Real Estate Settlement Procedures Act (RESPA) and the Gramm-Leach-Bliley financial information privacy laws.

M. Collecting, Managing and Using Personal Information

The Bureau of Consumer Credit Regulation receives personal information via two of the programs it administers: investigating consumer complaints, and processing business license applications. All personal information that the BCCP receives is confidential, pursuant to Section 6-116 of the Maine Consumer Credit Code, and violation of this confidentiality provision may result in criminal penalties.

The BCCP utilizes encrypted e-mail whenever sending data out through the State system. Additionally, consumers submitting personal information via the Internet now have the choice of doing so via encrypted e-mail to ensure that confidentiality is not compromised.

The BCCP abides by state retention policies and destroys records accordingly. Furthermore, all documents discarded by BCCP employees are now shredded.

N. List of Reports, Applications and Other Paperwork

The Bureau of Consumer Credit Protection's list of reports is found in Attachment C.

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

BUREAU OF INSURANCE

1 A. Enabling or Authorizing Law

The Superintendent of Insurance enlarges the provisions of, and executes the duties imposed by the Maine Insurance Code (24-A M.R.S.A.) and has such additional duties and rights as imposed or provided by other Titles. Other Titles imposing duties upon the Superintendent include portions of 24 M.R.S.A. and 39-A M.R.S.A.

The primary responsibility of the Bureau of Insurance (BOI) is to regulate insurance companies and insurance professionals in the public interest. To carry out that responsibility, the BOI has the authority to license the following entities to operate in the State of Maine:

- Insurance companies
- Nonprofit hospital and medical service plans
- Nonprofit health care plans
- Health maintenance organizations
- Medical utilization review entities
- Third party administrators
- Advisory organizations
- Reinsurance intermedialies
- Insurance producers, independent producers & agencies (formerly called 'agents' and 'brokers')
- Continuing care retirement communities (CeRCs)
- Multiple employer welfare arrangements (MEWAs)
- Captive insurers
- Viatical and life settlement companies

The BOI also registers the following entities:

- Preferred provider organizations
- Risk purchasing groups
- Risk retention groups
- Managing general agents
- Employee leasing companies

Other duties and responsibilities include the examination of domestic insurers and limited oversight of foreign and alien insurers, the approval of all policies and contract forms used by insurers in the State and the authorization of individual and group workers' compensation self-insurers.

Legislative History

The first State Bank and Insurance Examiner was appointed in 1868 and charged with examining both banks and insurance companies annually. In 1870, the two offices were made independent of each other and the Office of the Insurance Commissioner was established. The Office of the Insurance Commissioner became the Department of Insurance in 1959. When state government was substantially reorganized in 1973, the Insurance Department became the Bureau of Insurance and was placed within the Department of Professional and Financial Regulation.

Federal Mandates

The Violent Crime Control and Law Enforcement Act of 1994 requires state insurance regulators to consider requests for waivers of the federal prohibition against employment within the insurance industry in any capacity of persons convicted of felonies involving dishonesty or breach of trust (18 U.S. Code § (033).

In September 2006, Congress passed and President Bush signed the Military Personnel Financial Services Protection Act. It requires that the "States collectively work with the Secretary of Defense to ensure implementation of appropriate standards to protect members of the Armed Forces from dishonest and predatory insurance sales practices while on a military installation," and that each state report to Congress by September 29, 2007 on progress made regarding adoption of the standards collectively developed.

The Gramm-Leach-Bliley Act (GLBA) requires the states to establish uniform and/or reciprocal licensing standards with respect to licensing of insurance producers. The Health Insurance Portability and Accountability Act (HIPAA) establishes requirements for the states with respect to guaranteed renewability of health insurance, guaranteed issue for small groups, portability and some mandated benefits. Federal law imposes a specific regulatory scheme for Medicare supplement insurance policies upon the states.

B. Description of Programs

The principal programs administered by the BOI are described below in terms of activities carried out by each work unit.

Financial Examination

The Financial Examination Work Unit conducts detailed financial examinations of insurers domiciled in the State of Maine every three to five years. The work unit consists of a Director, two Examiners-in-Charge, three Senior Examiners, and four Examiners. Personnel are divided into two examination teams in order to conduct exams concurrently. Exam reports issued for domestic insurers can be found on the Bureau website at www.maine.gov/pfr/insurance/company/domestic.htm. Financial statements for Maine-licensed HMOs may also be accessed on the website from the same link.

Recent exams conducted by the Financial Examination work unit:

| <i>Company</i> | <i>Report Issued</i> | <i>Company</i> | <i>Report Issued</i> |
|---|----------------------|--|----------------------|
| Acadia Insurance Company | April 12, 2006 | Maine Employers Mutual Insurance Co | March 30, 2007 |
| Berkley Regional Specialty Insurance Co (formerly Chesapeake Bay) | April 20, 2006 | Medical Mutual Insurance Company | March 8, 2007 |
| Casco Indemnity Company | January 20, 2006 | Medomak Mutual Fire Insurance Company | March 13, 2006 |
| Cigna HealthCare of Maine | February 1, 2007 | North East Insurance Company | January 12, 2006 |
| Danville Mutual Fire Insurance Company | May 7, 2007 | North Yannouth-Cumberland Fire Insurance Co. | September 11, 2007 |
| Delta Dental Plans of Maine | January 19, 2006 | Patrons Oxford Insurance Company | February 10, 2006 |
| Farmington Mutual Fire Insurance Co. | September 11, 2007 | Unum Life Insurance Company | May 11, 2007 |
| Gorham Fanners' Club | May 15, 2007 | Warren Farmers Mutual Insurance Co | January 13, 2006 |
| Jefferson Fanners Club | January 17, 2006 | | |

The schedule of remaining financial examinations in 2007:

| <i>Company</i> | <i>Financial Period Ending</i> |
|----------------------------------|--------------------------------|
| Patriot Mutual Insurance Company | December 31, 2006 |
| Patriot Life Insurance Company | December 31, 2006 |
| MMG Insurance Company | December 31, 2006 |
| Selective Insurance Company | December 31, 2006 |
| Anthem Health Plans of ME | December 31, 2006 |

Financial Analysis and Alternative Risk Markets

The Financial Analysis and Alternative Risk Market Work Unit are responsible for monitoring the financial solvency of insurers transacting business in Maine. Insurance companies seeking licensure and new workers' compensation self-insurers submit financial and operational information for review. Analysts review the information and make recommendations for insurance authority based on the financial strength of the company.

For new applicants a full analysis of the financial statement is completed. Once the BOI grants authority, the level of ongoing financial review is predicated on the entity's status as an insurance company or a workers' compensation self-insurer. If the entity is an insurance company, the level of review is further determined by whether the company is a Maine domestic or a foreign insurer. Maine domestics are reviewed in detail on a quarterly basis; foreign insurers are prioritized based on select financial ratios.

For workers' compensation self-insured employer and groups, the work unit performs detailed annual reviews. Self-insurance authority is renewed annually unless evidence of deteriorated financial condition is found.

The Financial Analysis and Alternative Risk Markets work unit also is responsible for reviewing the following applicants: Health Maintenance Organizations, captive insurance companies, surplus lines companies, risk retention groups, risk purchasing groups, managing general agents, reinsurance intermediaries, accredited reinsurers, workers' compensation reinsurers, fraternal benefit societies, third party administrators, multiple employer welfare arrangements, and continuing care retirement communities.

| Number of Self-Insurers for Workers' Compensation | 2006 | 2005 | 2004 |
|--|-------------|-------------|-------------|
| Individual Self-insurers | 74 | 75 | 85 |
| Group Self-insurers | 20 | 20 | 20 |

Number of Insurance Companies Licensed in Maine:
(As of December 31, 2006, there were 1,129 licensed insurers in Maine)

| Number of Insurance Companies Licensed in Maine | 2006 | 2005 | 2004 |
|--|-------------|-------------|-------------|
| Property & Casualty Companies | 628 | 629 | 575 |
| Life & Health and HMOs | 376 | 387 | 370 |
| Fraternal Companies | 14 | 14 | 13 |
| Surplus Lines Companies | 106 | 101 | 19 |
| Private Purchasing Alliance | 2 | 1 | 1 |
| Multiple Employer Welfare Arrangement (MEWA) | 3 | 3 | 3 |
| Captive | 0 | 0 | 0 |

Domestic Insurance Companies (Domiciled in Maine) 2006:

| Maine Domestic | 12/31/06 PREMIUM | 12/31/06 ASSETS |
|---|------------------|------------------|
| Acadia Insurance Company | \$295,854,215 | \$151,266,088 |
| Allied-Augusta Mutual Insurance Company | \$0 | \$9,928 |
| Anthem Health Plans of Maine, Inc, Berkley Regional Specialty Insurance Company | \$1,073,744,037 | \$541,694,600 |
| Casco Indemnity Company | \$7,078,325 | \$23,037,487 |
| Maine Bonding and Casualty Company | \$15,199,298 | \$24,456,510 |
| Maine Employers' Mutual Insurance Company | \$73,520 | \$30,841,187 |
| MMG Insurance Company- | \$154,003,944 | \$602,552,596 |
| Medical Mutual Insurance Company of Maine | \$107,850,198 | \$159,264,519 |
| North East Insurance Company | \$57,873,064 | \$203,379,280 |
| Patriot Life Insurance Company | \$24,171,994 | \$39,924,162 |
| Patriot Mutual Insurance Company | \$2,125 | \$6,958,016 |
| Patrons Oxford Insurance Company | \$35,854,843 | \$52,213,526 |
| Patrons Oxford Insurance Company | \$33,280,982 | \$15,206,061 |
| Selective Insurance Company of New England | \$226,747 | \$27,314,164 |
| State Mutual Insurance Company | \$1,522,736 | \$1,801,603 |
| UNUM Life Insurance Company of America | \$4,098,722,386 | \$16,025,916,619 |
| York Insurance Company | \$97,706,416 | \$31,295,912 |

Maine Health Maintenance Organizations 2006:

| | 12/31/06 PREMIUM | 12/31/06 ASSETS |
|---------------------------------|------------------|-----------------|
| Aetna Health, Inc. | \$175,645,532 | \$45,818,412 |
| Geisinger Health of Maine, Inc. | \$56,413,219 | \$16,673,707 |

Nonprofit Service Organizations 2006:

| Organization | 12/31/06 PREMIUM | 12/31/06 ASSETS |
|--|------------------|-----------------|
| Maine Dental Service Corporation d/b/a Delta Dental Plan of Maine | \$52,713,438 | \$27,772,565 |

New Company Licenses Issued in 2006:

(Companies/Insurers – 44 licenses issued in 2006)

Life and Health Insurance Companies

| | |
|---|-------------------------------------|
| American Community Mutual Insurance Company | Parker Centennial Assurance Company |
| Anthem Insurance Companies Inc. | Silver eript Insurance Company |
| Berkshire Hathaway Life Insurance Co, of Nebraska | Stamlount Life Insurance Company |
| HCC Life Insurance Company | Unified Life Insurance Company |
| MetLife Investors Insurance Company | |

HMOs

| |
|-------------------------------|
| Martins Point Generations LLC |
|-------------------------------|

Property & Casualty Insurance Companies

| | | |
|---|--|----------------------------------|
| 21 st Century Casualty Company | Ameriprise Insurance Company | Lyndon Property Insurance Co. |
| 21 st Century Insurance Company | Axis Insurance Company | Lyndon Southern Insurance Co. |
| Accident Fund General Insurance Company | Colonial Surety Company | Plans Liability Insurance Co. |
| Accident Fund ational Insurance Company | Continental National Indemnity Co. | Progressive Direct Insurance Co. |
| Advantage Workers Compensation Ins. Co, | Euler Hermes American Credit Indem. Co | Riverport Insurance Company |
| American Agri Business Insurance Co. | Harleysville Insurance Company | Rural Community Insurance Co. |
| American Modern Select Insurance Co. | Harleysville Preferred Insurance Co. | Sequoia Insurance Company |
| American ational Property & Casualty Co | HSBC Insurance Company of Delaware | The Guarantee Title & Trust Co. |
| American Sentinel Insurance Company | Insurance Company of the West | Title Resources Guaranty Co. |

Private Purchasing Alliance

| |
|--|
| Maine State Chamber Purchasing Alliance Inc. |
|--|

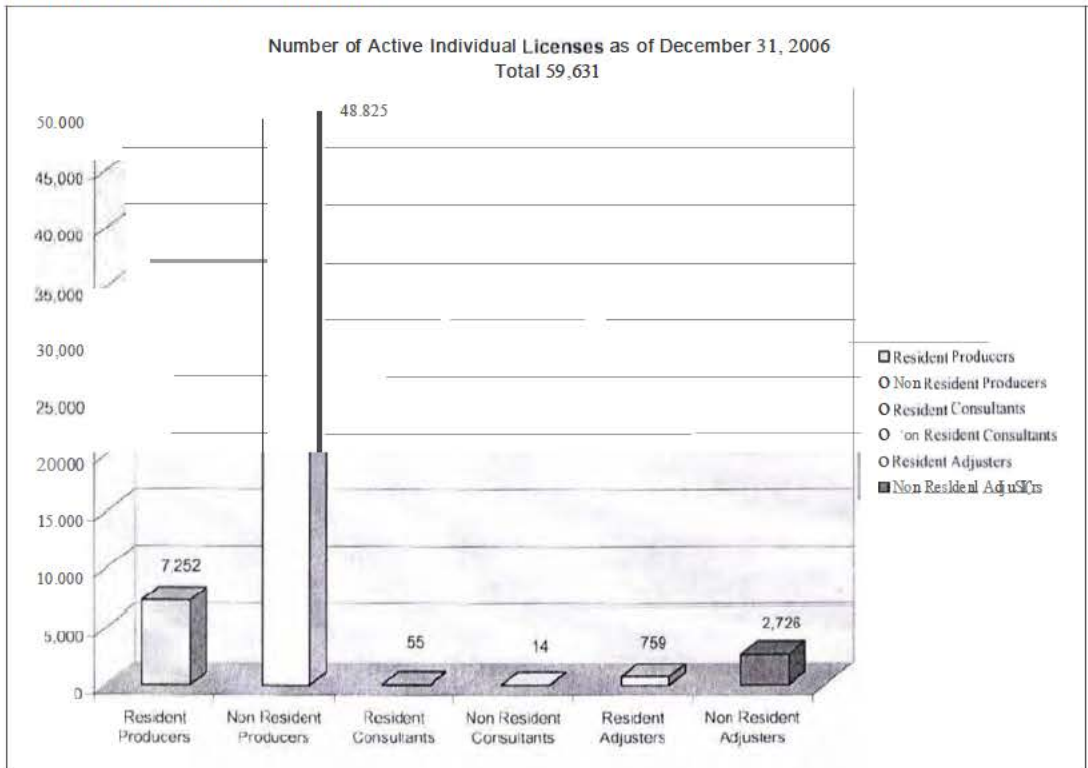
Eligible Surplus Lines **Insurance** Companies

| | |
|---|-------------------------------------|
| American Modern Surplus Lines Insurance Company | HCC Specialty Insurance Company |
| Century Surety Company | Integon Specialty Insurance Company |
| Founders Insurance Company | USF Insurance Company |

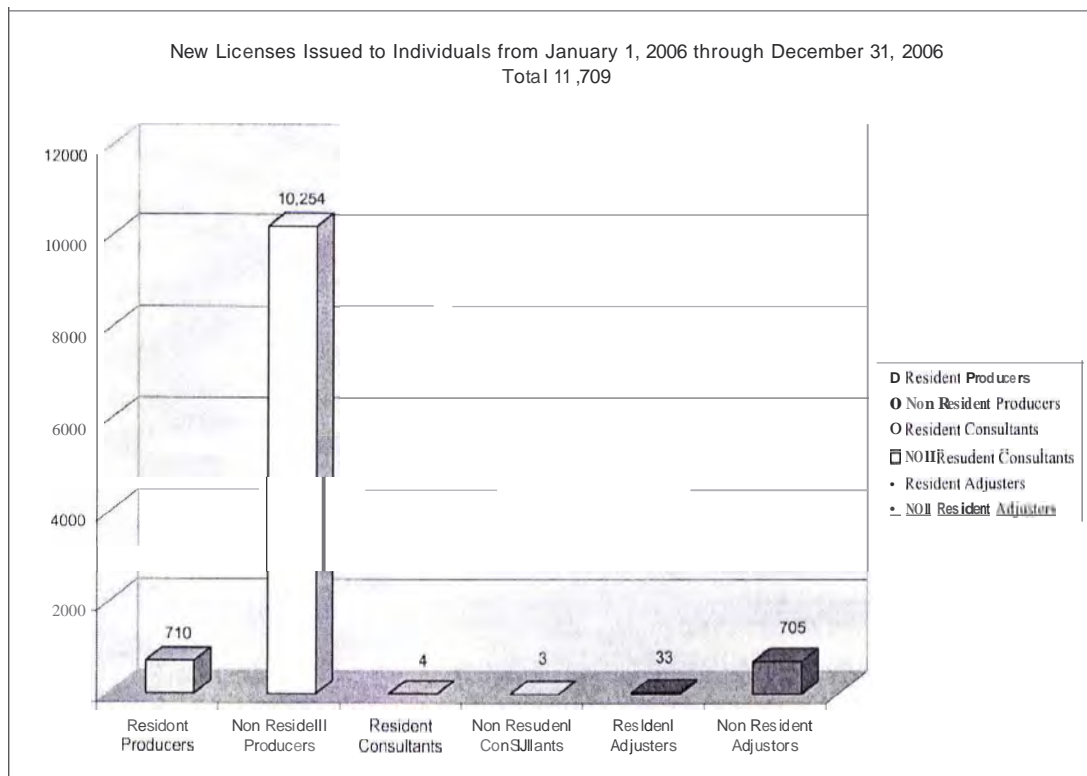
Producer Licensing

The Producer Licensing Work Unit is responsible for review and approval of applications to license individual insurance producers (agents), consultants, adjusters and business entities, and to register structured settlement transferees. This includes determining if eligibility requirements have been met and verifying that no statutory preclusions exist. Unit responsibilities also include approval of continuing education courses submitted by education providers and monitoring completion of the education requirement of roughly 7,307 insurance professionals. Maine law requires resident producers and resident consultants to complete 30 hours of continuing education every 2 years. (Effective 1/1/07 new Rule 542 changed the education requirement and compliance date.) Nonresidents must meet continuing education requirements in their resident state. Electronic processing of producer appointments, appointment terminations, and non-resident license applications, as well as participation in the national producer database, has made the licensing process more efficient, timely and uniform.

Producer Licensing Statistics:



(Prior Years Totals: 2005 - 52,460 2004 - 45,564 2003 - 41,222)



(Prior Years Totals: 2005 - 11,709 2004 - 8,338 2003 - 7,855)

The Support Unit

The Support Work Unit provides administrative support for all functions within the Bureau of Insurance. Included in the administrative work are the following tasks: legislation tracking and records management, as well as invoice tracking and processing.

The Consumer Health Care Division

The Consumer Health Care Division (CHCD) offers a wide range of services to consumers. Staff provides information regarding life and health care plan options and services; helps enrollees to understand their rights and responsibilities under health care plans; assists enrollees with complaints related to life and health care plans; and promotes coordination between the Bureau and other organizations that aid consumers.

The CHCD is responsible for the review and approval of life and health insurance policy forms, for monitoring health plan compliance with Maine law, and for the investigation and resolution of life and health insurance complaints.

In recent years, staff has participated in numerous outreach programs to inform Maine citizens that the Bureau of Insurance is available to help them. The most recent occurred on October 26, 2007 at the Portland Public Library. Outreach also provides citizens with an opportunity to speak to staff on a one-to-one basis regarding questions or problems they may have concerning life or health insurance coverage.

The CHCD has been proactive in implementing the National Association of Insurance Commissioners (NAIC) speed to market initiative. Electronic filings were submitted via the System for Electronic Rate and Filings (SERFF) which is a nationwide system developed by the NAIC with input from states and the insurance industry. The focus of the CHCD is to encourage insurance companies to adopt SERFF and decrease the review and approval time for submitted forms.

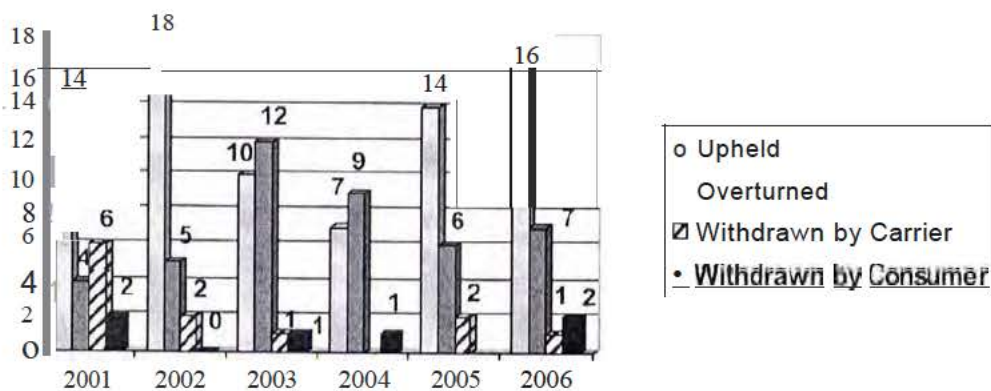
The CHCD focuses much of its efforts on analyzing the underlying issues that often give rise to complaints. Identification of deficiencies in insurer processes provides an opportunity for the Bureau to work with health plans to prevent reoccurrence of identified problems. The CHCD investigates complex complaints involving adverse determinations of medical necessity and speaks regularly with health care providers and the insurance carrier's utilization review staff.

The Consumer Health Care Division also processes external reviews. This third level of review is different from the first two levels of appeal through the insurance carrier. To qualify for an external review the denial of benefits must be related to a health issue and the consumer's insurance plan must be a fully funded plan and not a plan that is self-insured (which would fall under federal guidelines). The third level of review is an independent review arranged by the Bureau of Insurance and conducted by contracted independent review organizations.

In 2006, 23 external reviews were completed and an additional three reviews were withdrawn before completion indicating that the consumer's request for coverage was granted prior to the external review hearing. Of the 23 completed reviews, 16 were upheld (the decision favored the carrier) and 7 were either completely or partially overturned (in favor of the consumer).

Figure 2 illustrates the number of external reviews that were overturned, upheld, or withdrawn by either the carrier or consumer prior to the review for the years 2001 through 2006.

Figure 2: External Review Outcomes by Year:



| Consumer Health Care Division - Totals | 2006 | 2005 | 2004 |
|--|-----------|-------------|-------------|
| Consumer complaints received | 524 | 580 | 636 |
| Consumer inquiries/phone calls received | 6,888 | 6,498 | 7,363 |
| Restitution to consumers (health claims paid, or money returned, or fines) | \$977,681 | \$3,435,037 | \$1,562,235 |
| Rate and financial filings | 2,776 | 4,659 | 7,378 |

Life & Health Actuarial

The Life & Health Actuarial Work Unit provides actuarial and technical services to Bureau staff involving life and health insurance. Among its responsibilities, the unit:

- Reviews and takes appropriate action on rate filings for regulated lines of insurance, primarily individual health, small group medical, credit life and health, group and individual Medicare supplement, and long-term care;
- Provides reserve analysis of life and health insurance companies as required by law;
- Offers technical assistance to insureds, consumers, state agencies, and others;
- Prepares annual reports on mandated benefits claims experience;
- Prepares quarterly “market snapshots” for the small group and individual health insurance markets;
- Maintains database of reprints on small group and individual health insurance;
- Maintains database of claims paid by third-party administrators and by insurers administering employers' self-funded health plans;
- Compiles supplemental annual reports from health insurers;
- Studies proposed mandated benefit legislation as requested by the Legislature to determine the social impact, the financial impact, and the medical efficacy of the proposed mandate; and
- Estimates the impact on health insurance premiums of proposed expansions of health care services requiring a certificate of need (“CON”) from the Maine Department of Health and Human Services.

In accordance with Title 24-A M.R.S.A. §2837-A, §2840-A, and §2843, the Bureau is responsible for issuing an annual report to the Legislature regarding selected *Mandated Benefits*, specifically mental health, substance abuse, chiropractic, and mammography. This report compares the amount of claims paid for mandated benefits to the total amount of health claims paid. Bureau reports are available on the agency's website at www.maine.gov/insurance under *Bureau Reports*.

Property & Casualty and Workers Compensation

The Property & Casualty Work Unit reviews and approves rates, rating rules, and policy forms that property and casualty insurance companies and advisory organizations file for products they intend to write in Maine. Filings are reviewed to ensure compliance with applicable Maine law.

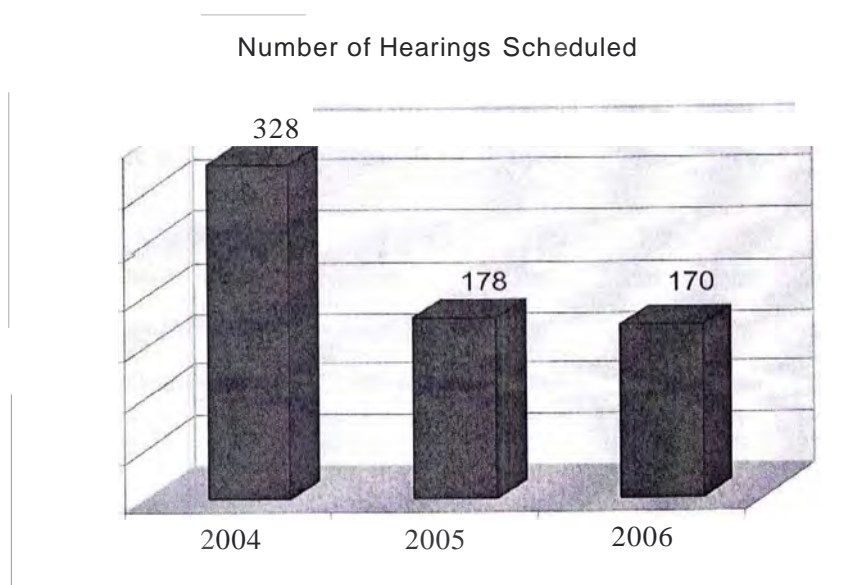
The unit also investigates complaints for all lines of property and casualty insurance. Often this includes conducting administrative hearings when a consumer has their automobile or homeowner's policy canceled or nonrenewed.

| Property & Casualty Totals | 2006 | 2005 | 2004 |
|---|-----------|-----------|-----------|
| Consumer complaints received | 424 | 659 | 882 |
| Consumer complaints closed | 422 | 657 | 977 |
| Consumer inquiries/phone calls received | 6,415 | 8,233 | 8,538 |
| Amount of restitution to consumers | \$475,532 | \$557,690 | \$531,603 |
| Rate and form filings | 3,090 | 3,095 | 3,159 |

*See graphs in Attachment C/OI' a comparison of the last four years.

Hearings by Year:

When an insurance company issues a notice of cancellation or nonrenewal of a homeowner or auto policy, the company is required to advise the insured that a hearing may be requested to contest the action. The hearing provides a forum to dispute the reason(s) and requires the Bureau to rule whether the cancellation or nonrenewal was done in accordance with Maine law.



| Hearing Results | 2006 | 2005 | 2004 |
|----------------------------|------|------|------|
| Number of Decisions Issued | 60 | 84 | 212 |
| Findings for the Consumer | 36 | 49 | 94 |

The Workers' Compensation Work Unit is a sub-unit within the Property & Casualty Work Unit. Workers' Compensation staff members are responsible for processing all rate, rule and form filings presented to the Bureau involving workers compensation insurance, self-insurance reinsurance, and occupational disability policies. Additionally, the work unit assists the actuarial staff with the workers' compensation loss cost filing.

The unit responds to general inquiries regarding workers' compensation premiums and policies and handles complaints regarding workers' compensation insurance rates, rules and policy cancellations. Complaints regarding specific workers' compensation claims are under the jurisdiction of the Workers' Compensation Board. If the Workers' Compensation Board finds a pattern of abuse, however, it can refer the matter to the Bureau of Insurance.

Property & Casualty Actuarial

The Property/Casualty Actuarial Work Unit provides actuarial and technical services to Bureau staff for property and casualty lines of insurance. Its responsibilities include:

- Reviews rate and rating rule filings for market leaders;
- Reviews and analyzes loss cost filings by industry advisory organizations that gather experience and file the advisory loss portion to be used by insurers in establishing rates and rating rules;
- Provides technical assistance to insureds, consumers, state agencies and others;
- Reviews funding and reserves of workers' compensation self-insurance trusts;
- Provides reserve analysis of property/casualty insurance companies; and
- Provides technical assistance to the Superintendent in all aspects of casualty, property, and workers' compensation matters.

Market Conduct and Market Analysis

One of the goals of the NAIC Modernization Plan is the integration of market conduct, market analysis, and interstate collaboration to form a cohesive, unified oversight program for the states to use to regulate their markets. The Bureau uses its Market Conduct Work Unit and its Market Analysis Team to accomplish this goal.

The Market Conduct Work Unit is responsible for conducting market related examinations for all licensees. This program includes both in-house exams and on-site examination of licensees. The examination process typically focuses on the following areas: (1) company operations/management; (2) complaint handling; (3) marketing and sales; (4) producer licensing; (5) policyholder service; (6) underwriting; and (7) claims.

While this unit does not handle individual complaints, it does use complaint data and information to analyze licensee trends and business practices or patterns. This analysis is often a key factor in selection for the on-site examination process and is completed by utilizing the NAIC's market analysis techniques.

The Market Analysis team is comprised of examiners from the Financial Analysis Division who are responsible for performing ongoing market analysis of companies that operate in Maine. The market analysis process is designed to provide tools for each state to review its entire market, identify companies operating in the market that may be potentially harming consumers, and assist in defining the scope of any regulatory action that may be used to address the compliance problem.

Once an issue is identified, the examiner will proceed with the continuum of regulatory actions using the most efficient method to identify the cause and extent of the problem. By using the market analysis approach described, states are more efficient and uniform in their approach to regulation. Market Conduct examinations can be found on the Bureau's website at www.maine.gov/pfr/insurance/reports.htm.

Recent examinations by the work unit:

| Company | Type of Examination | Report Issued |
|--------------------------------|----------------------------|---------------|
| Cambridge Integrated Services | Targeted, Limited in Scope | 7/11/07 |
| ESIS Inc | Targeted, Limited in Scope | 9/18/06 |
| Gates & McDonald Company, Inc. | Targeted, Limited in Scope | 1/17/06 |
| Hartford Insurance Company | Targeted, Limited in Scope | 2/26/07 |
| St. Paul/Travelers | Targeted, Limited in Scope | 12/4/06 |

Current examinations in process:

| Company | Type of Examination |
|--|----------------------------|
| American International Group (AIG) | Targeted, Limited in Scope |
| Arch Insurance Company | Targeted, Limited in Scope |
| Crawford & Company | Targeted, Limited in Scope |
| Harleysville Worcester Insurance Company | Targeted, Limited in Scope |
| National Grange Insurance Company | Targeted, Limited in Scope |

Bureau Publications

To help educate the public on insurance matters that can affect their daily lives, the Bureau publishes, distributes and posts a number of consumer brochures. The brochures listed on the next page are available from the 1301.

Most publications, with the exception of the Federal guide, are available online at www.muine.gov/insurance.

- Automobile Insurance Guide (*premium comparison*)
- Complaint Ratio Brochures for Auto, Homeowners and Health Insurance
- Guide to Cancellation/Nonrenewal of Personal Auto & Property Insurance
- Consumer Guide to Homeowner's Insurance (*premium comparison*)
- Consumer Guide to Day Care Liability
- Consumer Guide to Understanding How Insurers Use Credit Information
- Consumer Guide to Youthful Drivers
- Consumer Guide to the Health Care Division
- Guide to Individual Health Insurance (*premium comparison*)
- Insuring your Business - The Basics of Property & Liability Coverage
- Insuring your Home - The Basics of Property & Liability Coverage
- Long Term Care Comparison Chart (*premium comparison*)
- Medicare Supplement Comparison Chart (*premium comparison*)
- Guide to People with Medicare (Federal Publication - not available online)
- Resolving Health Care Insurance Disputes (Internet only)
- Maine Small Employers' Guide to Health Insurance (*premium comparison*)
- What Can I Do if I Lose my Group Health Insurance?
- Workers' Compensation Brochure (*premium information*)

C. Organizational Structure

The Bureau's organizational structure is detailed in the previous section of this report. An organizational chart is found in Attachment D.

D. Compliance with Federal and State Health and Safety Laws

In coordination and cooperation with the other agencies within the Department, the Bureau fully participates on the Department's Health and Safety Team and Building Safety Committee, which have developed policies designed to ensure compliance with state and federal health and safety laws, including the Americans with Disabilities Act.

E. Financial Summary

The Bureau's financial summary is found in Attachment D.

F. Regulatory Agenda and Summary of Rules Adopted

The Bureau's regulatory agenda and a summary of rulemaking activity since 1997 are found in Attachment D.

G. Areas of Coordination with Other State and Federal Agencies

Company Licensing

- The Bureau utilizes the NAIC Accelerated Licensure Evaluation and Review Technique (ALERT) program which is a streamlined insurer licensing procedure. This allows streamlined admissions for those companies already admitted in one ALERT state simply through the filing of an expansion application in another ALERT state. The expansion application process introduces elements of reciprocal reliance on the more detailed work of the state reviewing the complete application.
- The Bureau accepts the nationally Uniform Certificate of Authority Application for insurer licensing applications and related filings.
- The Bureau participated in a national initiative to minimize state specific requirements to only those relating to critical regulatory needs Financial Regulation of Insurers.
- The Bureau utilizes the NAIC I-site product which allows insurers operating in multiple jurisdictions to make one electronic filing of most financial information which is then accessible by all states as opposed to prior circumstance where paper filings had to be made in each state an insurer does business.

Producer Licensing

- Maine has enacted the NAIC Uniform Producer Licensing Model Act which standardizes license standards among the states and promotes reciprocity of licensing of producers.
- Maine has eliminated paper letters of certification of good standing in favor of reliance on the NAIC State Producer Licensing Database.

Product Filings

- Maine utilizes the State Electronic Rate and Form Filing (SERFF) product which allows insurers to make rate and form filing in as many states as they desire at one time electronically.
- Maine is Member of the Interstate Compact for Insurance Product Regulation. Under the Compact, uniform product standards have been developed for all participating states and a one stop filing and review process has been implemented.

Market Conduct and Enforcement

- Through NATC, Maine utilizes nationally uniform market conduct examination standards and procedures.
- The Bureau coordinates with other states on market conduct examinations, investigations and enforcement regarding regulated entity conduct occurring on interstate basis.
- Subsequent to Gramm-Leach-Bliley Act (GLBA), the Bureau entered into interagency agreements with all three federal banking regulators for expeditious handling of complaints regarding insurance sales by banks in accord with functional regulation tenets of GLBA.

HMO QuaLity Reviews

- Each year pursuant to Title 24-A M.R.S.A. § 4215, the Bureau notifies each HMO to be examined that the Bureau of Insurance CHCD staff will conduct a coordinated, on-site State examination of the quality of the carrier's health care and customer services. To minimize duplication of time and resources, quality examinations are coordinated with each HMO's triennial National Committee for Quality Assurance (NCQA) accreditation review cycle. (Although participation in NCQA's accreditation and certification programs is voluntary, more than half the nation's HMOs, including all those operating in Maine, currently participate.)

H. Constituencies

The Bureau serves a wide variety of constituencies including the general public, insurance consumers and consumer groups, insurance companies, self-insured businesses, producers (agents, brokers and consultants) and insurer advisory organizations.

L Alternative Delivery Systems

The Bureau has made aggressive use of newer information technologies. All agency application and registration forms are available online. The agency, through the NAIC, utilizes a national producer database that facilitates the ability of persons to become licensed in multiple states. Insurers are strongly encouraged to make form and rate filings electronically through the ERFF system. The Bureau's website has extensive resources including consumer brochures, consumer complaint forms, reports and studies, a "Find a Licensee" feature, information about Maine's domestic insurers, hearing decision and consent agreements, and links to the Maine Insurance Code and rules.

For members or the public visiting the Bureau offices to review documents, a dedicated computer kiosk is available to provide access to documents available only in electronic format. In 2000, the agency provided what it believed to be unprecedented public access to a major hearing involving the acquisition of Maine's Blue Cross/Blue Shield plan by Anthem by placing over 600 public filings relating to the proceeding on the agency's website. Subsequently, the Bureau has arranged audio webcasts of health insurance rate filings of substantial public interest as well as the Dirigo savings offset payment hearings.

Maine law requires that each domestic insurer's financial condition be examined by the Bureau at least once every three years. The Bureau's Examination Division makes use of contracted services to supplement in-house examination staff capability on these examinations. While it is possible that the examination function could be fully privatized, the cost, which is borne by the insurer being examined, would be excessive. The current system or engaging services for specialized aspects of the examination on the larger company exams is most cost-effective with the added benefit of enhancing the technical knowledge of the agency staff.

The administration of producer, consultant and adjuster licensing tests is computer-based and is performed by a private vendor. Continuing education requirements for producers are met by educational programs offered by private vendors and recommendations for course approval are made by a private sector advisory group.

The Bureau contracts with outside entities for the conduct of external review of health insurance claims denied on the basis or lack of medical necessity to which consumers are entitled under Maine law.

During the past decade, the Bureau of Insurance, through the NAIC, has been in the forefront of efforts to standardize and streamline regulatory systems in order to both leverage limited state resources and to reduce regulatory burdens on regulated entities that do business on an interstate business. Many of those "Speed to Market" and regulatory re-engineering initiatives are described in Part G of this report.

[J. Emerging Issues

Future of health insurance

Increases in healthcare costs and health insurance rates are placing significant strain on payors' capability. The current rate of growth is likely unsustainable. While most agree that systemic change is necessary, there is significant debate regarding the appropriate reform measures.

Affordable long term care insurance

Insurers offering this relatively new insurance product made inaccurate pricing assumptions which have led to rate inadequacy. Regulators and public policymakers will be challenged by the need to protect existing insureds from rate increases while maintaining a market for the coverage and solvent insurers.

Continuing globalization of markets

As U.S. insurance markets continue to become increasingly intertwined with and reliant on foreign markets, the ability of U.S. insurance regulators and public policymakers becomes more dependent on cooperation with foreign officials.

Federalism

Primary regulation of the insurance industry by the states continues to be subject to constant challenge before Congress. The number of bills introduced in Congress to offer an optional federal charter has significantly increased.

Properly/casualty insurance catastrophe coverage

Insured losses from major natural disasters since 2004 have far exceeded historical levels as well as insurer expectations. Recent modeling of future catastrophe potential strongly suggests that the trend of major weather-related events will continue for the foreseeable future. Assuring affordable and available property insurance coverage, particularly in stann prone locales, is a significant concern.

Terrorism

The unpredictability or the frequency and severity of losses due to terrorist acts raises substantial questions of what coverage, if any, insurers should provide to persons with respect to terrorism and how any such coverage can be priced. Currently, a federal "backstop" has allowed insurers to maintain coverage for certain terrorist acts, however long term resolution of the insurance issues raised by terrorism is subject to future debate. Lack of this coverage could have a detrimental impact on the business climate.

K. Information Specifically Requested by Committee

None requested.

L. Comparison of Related Federal Laws

While the federal government has many laws and programs that relate to insurance in some fashion, this requirement is generally inapplicable to the Bureau.

M. Collecting, Managing and Using Personal Information

Under the Maine Access to Information Act, all Bureau "records" are public unless they fall within an exception to the definition of "public records" recognized by Maine law. There are more than forty such exceptions to this definition which provide that various records within the possession of the Bureau are entitled to confidential and/or privileged status.

The Bureau routinely responds to public requests for public records. A work station for use by the public in accessing electronic records is maintained within the agency. At the same time, the Bureau makes every effort to safeguard those documents designated as confidential.

In situations where private parties have disputed whether or not certain Bureau records are public, the agency has utilized a procedure whereby parties are requested to make legal arguments to the Bureau in support of their respective positions. Should the agency determine, upon review of those arguments, that a record is indeed public under Maine law, the agency allows the party asserting confidentiality an opportunity to seek a judicial determination before releasing the record.

I N. List of Reports, Applications and Other Paperwork

With respect to the numbers of filings to be received in the next two years, the Bureau would anticipate numbers generally comparable to those received during the past two years. Actions taken by the agency to reduce filing requirements and paperwork duplication are described in sections G and I of this report. The Bureau's list of reports is found in Attachment D.

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

OFFICE OF SECURITIES

A. Enabling or Authorizing Law

The Office of Securities is authorized through 32 MRSA § 16601 .

B. Description of Programs

The Office of Securities administers and enforces the Maine Uniform Securities Act (the "Act"). The Office also enforces the Maine Commodity Code and the Regulations of the Sale of Business Opportunities. The principal mission of the Office is to protect Maine consumers from fraudulent, deceptive, and unethical practices in the securities business. The Office accomplishes its mission and its strategy through its licensing, registration, enforcement, examination, and investor education programs. The Office administers those programs with equal priority.

Licensing

Broker-dealers, agents, investment advisers and investment adviser representatives may not transact business in Maine unless they are licensed or exempt from licensing. The Office reviews license applications and the Administrator has the authority to deny an application or place restrictions or conditions on a license based on grounds specified in the Act.

In keeping with the Department's emphasis on using technology to increase efficiency and enhance service to regulated entities and the public, the Office receives and processes all license applications electronically. In fiscal year 2007, the Office received and processed 22,854 initial licensing applications.

Securities Registration

Under the Act, a person may not offer or sell a security in Maine unless the security is registered, the security is a federal covered security, or the security, the transaction, or the offer is exempt from registration. The Office reviews applications to register securities for sale in Maine and the Administrator may issue an order denying an application based on grounds specified in the Act. The Office also reviews filings for exemptions from registration and receives notice filings for offerings of federal covered securities.

In fiscal year 2007, the Office received and processed 23,775 securities registration, exemption, and federal covered securities notice filings. The Office receives about one-half of its notice filings and accompanying fees electronically, and the percentage of issuers making electronic filings is increasing, a development the Office is encouraging.

Enforcement

Responding to investor complaints and investigating allegations of fraudulent or otherwise unlawful practices lie at the heart of what the Office does, and the Act gives the Administrator broad enforcement authority. The Administrator may issue orders requiring that a person cease and desist from objectionable practices; revoking, suspending, limiting, or conditioning a license; barring a person from participating in the industry in Maine; censuring a licensee; revoking or suspending a securities registration; or imposing a civil fine. In addition, the Administrator refers matters to the Attorney General for civil or criminal action, and the Office works closely with the Attorney General's staff as these cases make their way through the court system.

In fiscal year 2007, the Office obtained \$140,448.54 in restitution for Maine investors and \$244,000.00 in penalties. The Office conducted one administrative hearing that resulted in the issuance of an order barring an agent from participating in the industry; issued two other licensing bar orders and three cease and desist orders; and executed eight consent agreements and three consent orders for securities law violations. Civil cases that were investigated by the Office resulted in three judicially approved consent judgments, and criminal cases resulted in one person pleading guilty and receiving a sentence of five years, with 2.5 years suspended, and another person being indicted. The Office referred three cases for civil or criminal prosecution and has four criminal cases awaiting trial.

Compliance Examinations

The Act authorizes the Administrator to conduct audits or inspections of broker-dealers and investment advisers licensed or required to be licensed by the Act. The Office conducts on-site examinations to verify that broker-dealers and investment advisers are keeping the records required by state and federal securities laws and regulations. In fiscal year 2007, the Office conducted 24 examinations of licensee offices.

Investor Education

The Office's investor education program offers great value to the people of Maine, particularly seniors, who need disinterested information on safe investing. For that reason, the program targets older Mainers and those who interact with them, through presentations, as well as informational materials, on subjects ranging from avoiding investment fraud to selecting a financial professional. In delivering these messages, the Office partners with various community organizations and agencies that serve the elderly.

Recently, the Office co-hosted a senior symposium on wise and safe investing with AARP and the United States Securities and Exchange Commission ("SEC"). The symposium was primarily funded by a grant obtained from the Investor Protection Trust, a national, non-profit entity that provides support to regulatory agencies operating investor education programs. The Financial Industry Regulatory Authority ("FINRA") also participated in the symposium.

C. Organizational Structure

The Office of Securities is directed by the Securities Administrator and has 13 authorized FTC positions. The Administrator is responsible for the administration and enforcement of the Maine Uniform Securities Act, the Regulations of the Sale of Business Opportunities and the Maine Commodity Code. The Office is divided into two divisions: the enforcement and examination division and the licensing and registration division. The Office's organizational chart is found in Attachment E.

D. Compliance with Federal and State Health and Safety Laws

In coordination and cooperation with the other agencies within the Department the Office of Securities fully participates on the Department's Health and Safety Team and Building Security Committee. Both organizations have developed policies designed to ensure compliance with state and federal health and safety laws including the Americans with Disabilities Act.

E. Financial Summary

The Office of Securities' financial summary is found in Attachment E.

F. Regulatory Agenda and Summary of Rules Adopted

The Office's regulatory agenda is found in Attachment E. Summary of rules adopted or amended:

| | |
|---|---|
| <i>Chapter 504</i> Broker-Dealer and Agent Licensing: | Effective 12/31/2005 |
| <i>Chapter 505</i> - General Definitions: | Repealed 12/31/2005 |
| <i>Chapter 506</i> Financial Institutions and Broker-Dealer Engaging in Third Party Brokerage Arrangements: | Repealed 1/1/2003 ; Replaced 1/1/2003 ; Amended 12/31/2005 (Joint Rule with BFI) |
| <i>Chapter 507</i> Licensing Exemption for Certain Foreign Broker-Dealers: | Effective 4/1/1997' Amended 12/31/2005 |
| <i>Chapter 510</i> - Broker-Dealers, Investment Advisers and Others Using the Internet for General Dissemination of Information About Securities Products and Services: | Effective 11/26/2000; Amended 12/31/2005 |

Summary of rules adopted or amended by the Office of Securities (continued):

Chapter 511 – Change of Ownership or Control of a Broker-Dealer or Investment Adviser: Effective 12/31/2005

Chapter 515 – Investment Adviser Licensing: Amended 2/2/2000;
Repealed 8/11/2002;
Replaced 8/11/2002;
Amended 12/31/2005

Chapter 516 – Definition of Client for Purposes of Investment Adviser Licensing and Notice Filing by Federal Covered Investment Advisers: Effective 12/31/2005

Chapter 525 – Rule Regarding Small Company Offering Registrations: Amended **11/26/2000**;
Amended 12/31/2005

Chapter 532 – Securities Offering on the Internet: Effective 11/26/2000;
Amended 12/31/2005

Chapter 533 – Maine Issuer Notification of Exemption Form: Effective 12/31/2005

Chapter 534 – Limited Private Offering Exemptions; Purchasers Present in This State and Single Issue: Effective 12/31/2005

Chapter 535 – Rule Exempting Certain Exchange Listed Securities: Repealed 12/31/2005

Chapter 536 – Securities Manuals: Effective 12/31/2005

Chapter 537 – Exemption for Offers and Sales to Accredited Investors: Effective 5/29/1998;
Amended 12/31/2005

Chapter 538 – Exemption for Offers and Sales to the Finance Authority of Maine; Effective 11/26/2000;
Amended 12/31/2005

Chapter 539 – Offers and Sales of Viatical or Life Settlement Contracts: Effective 2/7/2001;
Amended 12/31/2005

Chapter 540 – Adjudicatory Proceedings Rule: Effective 10/27/2003;
Amended 12/31/2005

Chapter 541 – Initial and Annual Renewal Fees: Effective **11/23/2003**;
Amended 12/31/2005

Chapter 542 – Model Rescission Offer Form: Effective 12/31/2005

G. Areas of Coordination with Other State and Federal Agencies

The Office of Securities has coordinated its efforts with the following state and federal agencies in achieving its program objectives:

Department of the Secretary of State

The Office requests information from the Bureau of Corporations, Elections and Commissions within the Department of the Secretary of State during investigations of alleged violations of securities laws.

The Office also utilizes database information from the Bureau of Motor Vehicles within the Department of the Secretary of State during some investigations of alleged violations of securities laws.

Department of Administrative and Financial Services

The Office coordinates with the Department of Administrative and Financial Services on accounting procedures with assistance from staff in the Office of the Budget.

Office of the Maine Attorney General

The Office of Securities collaborates with an Assistant Attorney General (AAG) during investigations; AAG drafts/reviews enforcement actions; AAG represents the Office of Securities and/or hearing officer in administrative hearings; the Administrator refers cases to the Attorney General's Office for civil and criminal prosecution; AAG represents the Administrator in litigation; and Office staff assist AAG in trial preparation.

Maine Department of Health and Human Services

The Office works in cooperation with the Department of Health and Human Services on matters relating to the loss of occupational or professional licensure for failure to meet child support obligations.

Maine Department of Public Safety, SBI

Coordination between the Office and the State Bureau of Identification (SBI) within the Department of Public Safety relates to the identification and background checks of license applicants and licensees.

Other State and Provincial Securities Regulators

The Office collaborates and coordinates certain activities through the North American Securities Administrators Association. This relationship involves all areas of securities regulation; matters of regulatory policy; joint enforcement actions; and joint compliance examinations.

Federal Agencies

U.S. Securities and Exchange Commission: matters of regulatory policy; enforcement matters; joint enforcement actions; and joint investor education presentations.

Financial Industry Regulatory Authority: matters of regulatory policy; enforcement matters; joint enforcement actions; and joint investor education presentations.

U.S. Department of Justice: refer investigations to FBI; and refer cases to U.S. Attorney for prosecution.

U.S. Commodity Futures Trading Commission: refer complainants and joint investigations.

U.S. Department of Labor: refer ERISA issues and joint investigations.

[H. Constituencies

The primary constituency of the Office of Securities is Maine consumers who purchase investments. The number of consumers who purchase investments has increased and the amount they invest has increased dramatically during the last ten years. Maine consumers, like those throughout the nation, have purchased investments as they save for retirement and their children's education.

Other constituencies of the Office of Securities include issuers seeking to sell securities in Maine broker-dealers, agents, investment advisers, investment adviser representatives, and sellers of business opportunities. The Office does not expect any change in its constituents at this time.

[L. Alternative Delivery Systems

The Office of Securities has actively pursued alternative delivery systems to carry out its mission. Currently, all license applications are received electronically through a computerized licensing system built and operated by the Financial Industry Regulatory Authority (FINRA).

Part of that system, Web CRD[®], was developed under a contract between FINRA and the North American Securities Administrators Association (NASAA), a voluntary membership organization of the state, provincial, and territorial securities administrators in the 50 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Canada, and Mexico.

Another part of the system, IARDSM, was developed jointly by the United States Securities and Exchange Commission (the "SEC") and NASAA. FINRA collects the corresponding licensing fees from applicants and licensees and forwards them electronically to the Office.

During the past two years, the Office began to receive one type of notice filing for federal covered securities and the accompanying fees electronically. Currently, the Office receives about half of this type of notice filings electronically. The Office is beginning to develop the capability to receive applications to register securities, filings for exemptions from registration, and other types of notice filings for federal covered securities electronically.

The Office receives consumer complaints electronically through its online presence (www.investors.maine.gov). The Office's website provides access to the Maine Uniform Securities Act and the rules adopted by the Office. It also offers extensive information and resources to the Office's constituencies. Additionally, the Office posts its enforcement actions on its website, including actions brought by the Office of the Attorney General from referrals made by the Office of Securities. The Office also posts consent agreements that informally resolve investigations.

J. Emerging Issues

Aging of Maine's Population

The aging of the population presents a major challenge for those involved in policing the sale of investments and investment advice. There are an increasing number of seniors with savings accumulated over a lifetime who lack sufficient knowledge or confidence to manage those savings. This problem is made worse by the trend away from defined benefit retirement plans and the declining role of Social Security.

Additionally, the emergence of complex investment products and services supposedly designed to address the needs of retirees adds to the difficulties. With the population of Maine older than the national average, these challenges are especially important in our State and may intensify in the future,

The above factors offer an irresistible target for the unethical. Mild abuses include the proliferation of "free lunch" seminars ostensibly held to offer seniors disinterested advice but actually designed to sell high-commission products. Such 'mild' abuses also include the use of misleading "designations" or "certifications" touting an exaggerated level of expertise in providing financial services to seniors. More serious abuses include outright scams aimed at the elderly. Maine is especially vulnerable to these problems.

To address this emerging problem area, two responses are necessary. The first is for state and federal securities regulators, working together to the extent possible, to intensify their enforcement efforts. The second is enhanced investor education. Whereas enforcement is a traditional role for securities regulators, the serious and ongoing promotion of senior financial literacy is a relatively new function. Nevertheless, educating seniors, as well as family members who assist them with their financial affairs, is essential, and since it is too late to accomplish this through conventional schooling, the task must necessarily be carried out in other ways.

During 2007, the Office of Securities has accelerated its financial literacy outreach to senior consumers. This activity included a major educational forum held in South Portland in conjunction with the U.S. Securities and Exchange Commission and AARP. Approximately 160 seniors took part. Other financial literacy presentations and outreach initiatives have been conducted in Auburn, Augusta, Bangor, Bath, Biddeford, Caribou, Damariscotta, Hallowell, Portland, Scarborough and Waterville.

Possible Efforts to Preempt State Authority

An asserted need to deregulate in the name of international competitiveness is the latest pretext used by those bent on curbing the authority of states to protect their citizens against abuses in the sale of securities and investment advice. There is an irony to this, as globalization brings new dangers. Indeed, a recent criminal prosecution brought by the Office of the Attorney General with assistance from the Office of Securities arose out of an investment scheme involving Italian real estate.

A strong and independent securities regulatory agency is especially important to Maine, as neither the SEC nor FINRA (the entity that replaced the NASD) has a presence in the State. As a result, without the Office of Securities, an aggrieved investor would have to travel to Boston and deal with an agency which tends to focus on larger market issues and not on the garden variety consumer protection concerns that are most common in Maine. Fortunately, when prior preemption threats have arisen, members of the Maine Congressional delegation have supported state authority.

More effective coordination between federal and state regulatory agencies is needed. At the state level, securities regulation is, at its heart, consumer protection in a specialized context. This has always been a basic responsibility of the states. The challenge in the coming years is likely to be to afford regulatory relief where warranted without undermining the ability of states to perform one of their traditional functions in protecting their citizens.

Steady Growth in Workload

The securities industry, and thus the workloads of those who regulate it, is characterized by steady and substantial growth. This is perhaps best reflected in the number of agents of broker-dealers (commonly referred to as stockbrokers) licensed by the Office of Securities. Set forth below are the numbers as of the end of the indicated fiscal years:

| <u>Fiscal Year</u> | <u>Licensed Agents</u> |
|--------------------|------------------------|
| 1987 | 13,489 |
| 1992 | 17,892 |
| 1997 | 36,535 |
| 2002 | 59,904 |
| 2007 | 72,798 |

Although technological advances have made the mechanics of the licensing process easier, they do not significantly affect the time required to review applications or address complaints. Since there is every reason to believe the growth of the past will continue the Office will have to find ways to handle the resulting impact on its workload.

[K. Information Requested by Committee



None requested.

L. Comparison of Related Federal Laws and Regulations

The first state securities laws were adopted 20 years before federal securities laws. In 1913, two years after Kansas adopted the first "blue sky" law, Maine enacted a statute relating to "Dealers in Securities," to be administered by the Bank Commissioner. The first federal securities law was the United States Securities Act of 1933.

Today, the Office of Securities is part of a coordinated regulatory effort consisting of federal and state securities regulators. With the number of first time investors on the rise, strong regulation on both the state and the federal level is necessary to protect their investments and to maintain investor confidence.

The industry is regulated at the national level by the United States Securities and Exchange Commission (the "SEC") and self-regulatory organizations. The largest self-regulatory organization is the Financial Industry Regulatory Authority ("FINRA"), which was created in July 2007 through the consolidation of NASD and the member regulation, enforcement, and arbitration functions of the New York Stock Exchange.

The Office of Securities handles the majority of complaints from Maine investors. The federal regulators generally concentrate on issues of national importance, such as the integrity and transparency of our national securities markets, while state regulators respond to securities issues at the local level, such as investigating complaints of fraud and unethical practices.

M. Collecting, Managing and Using Personal Information

The Department maintains a specific policy regarding Social Security Numbers and personal information. It is intended to prevent the indiscriminate release of such personal information and to establish a procedure to assure that public and Freedom of Access (FOA) requests are made and responded to in accordance with the law.

Each DPPR agency has a designated attorney or manager responsible for processing and responding to requests for personal information, including FOA requests. If an employee receives a request from the public to review or copy documents containing personal information, the employee shall ask that the request be in writing. In addition, all responses to such requests shall be reviewed by the designated attorney or manager.

In processing a public or FOA request, each agency redacts information protected by statute. In addition, the agency determines whether the request can be responded to without supplying other personal information. Each agency may have specific information which is protected by law or regulation.

When posting information on the Department's website, agencies do *not*, post personal information, such as home addresses and telephone numbers. An exception to this rule would be in cases in which such information is directly applicable to a licensee's business, such as when a home address is also a business address or a home telephone number is also a business telephone number. Under no circumstances are Social Security Numbers to be posted.

Specific to the Office of Securities, the national licensing database, Web CRD@IARDSM, operated by FINRA, Financial Industry Regulatory Authority, used by all state and federal securities regulators, collects Social Security Numbers and home addresses. Both SSNs and home addresses are non-public information, under the Maine Uniform Securities Act and federal law. They are not provided when information on licensees is requested. The only exception is when home addresses are designated by licensees on the license application as the business address.

N. List of Reports, Applications and Other Paperwork

The Office of Securities requires the filing of applications in its licensing and securities registration programs. Generally, the Office requires the filing of forms and information that are also required by other securities regulators. This is particularly true in the Office's licensing program.

Through the North American Securities Administrators Association (NASAA), the Office has worked with both state and federal securities regulators, including the United States Securities and Exchange Commission (SEC), the Financial Industry Regulatory Authority (FINRA) (formerly NASD), and the New York Stock Exchange (NYSE), to develop uniform license application forms. As described above in Section I, the Office receives its license applications electronically through a national computerized database operated by FINRA.

The list of applications required by the Office is found in Attachment E.

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

OFFICE OF LICENSING AND REGISTRATION

A. Enabling or Authorizing Law

The Office of Licensing and Registration (OLR) is authorized through the following sections of Maine law:

10 MRSA § 8001(38) establishes OLR as the state administrative agency responsible for administering forty licensing programs listed in that section;

10 MRSA § 8003(2-A) places OLR within the Department of Professional and Financial Regulation and sets forth the statutory authority of the Director; and

10 MRSA § 8003-1\ establishes the authority of investigative personnel of OLR to conduct investigations, issue citations, serve summonses and order corrections in accordance with specific statutory authority. In addition, this section requires OLR to make the disposition of complaints available to the public. Many other sections of Title 10, Chapter 901 provide statutory authority for OLR and its staff to act to protect the public.

Correlation between Title 10 and Title 32 of Maine Revised Statutes:
Title 32 contains chapters devoted to individual licensing programs now administered by the Office. These chapters contain provisions specific to one profession or occupation. For example, the provisions of Title 32, chapter 113 outline the professional duties, conduct and responsibilities of licensees of the Board of Accountancy. However, Title 10, section 8003-(5-1) sets forth the array of disciplinary sanctions that can be imposed by the Board of Accountancy and all other licensing programs within the Office. At the request of the Department, the Maine Legislature enacted PL 2007, chapter 402 which consolidated OLR and licensing program enforcement and disciplinary authority in Title 10 section 8003-A.

B. Description of Programs

OLR administers 40 licensing programs, each of which is a separate state program. Thirty-five licensing programs have associated boards to which the Legislature has granted independent regulatory authority. Five additional programs are administered directly by OLR without licensing boards.

OLR and its licensing programs are established for the sole purpose of protecting the public by licensing qualified individuals in each professional area and by imposing discipline on licensed individuals and entities to prevent harm to the public.

Program Goal: To ensure that regulated individuals and businesses in professions and occupations that require a license provide safe services to the public and conduct themselves in an ethical manner.

Program Objective: To license professionals who meet minimum state requirements, regulate licensee conduct through examination and enforcement of standards of practice and conduct, and imposition of discipline, when warranted.

OLR staff is responsible for all regulatory functions associated with state licensing to ensure protection of the public from unsafe and unethical providers of professional or occupational services. Licensing program administration and policy development includes:

OLR Regulatory Functions

Licensing: OLR staff is responsible for application review, approval and denial of license applications, verification of applicant qualifications; maintenance of contracts for examination content, examination and score verification; providing information to applicants and licensees about license requirements and practice issues; review and approval and denial of license renewal applications; audit of continuing education; and resolving cases of continuing education compliance failures. Currently, the agency maintains license records for 105,323 active and inactive licensees.

Enforcement of Law and Rule: The OLR Administrative Complaint Process is designed to balance the need to safeguard the due process rights of licensees who may be the subject of a complaint, against the public's right to know about unethical or unsafe conduct of licensees and receive notification of the disposition of complaints. Complaints filed by consumers and other entities are docketed and processed in the OLR Complaint Office. Over 600 written complaints are docketed annually. Complaints are reviewed, investigated and forwarded to the applicable staff or board for final decision. During FY 07 (July 1, 2006 - June 30, 2007) the Complaint Office resolved 1050 active cases. 654 complaints were docketed, 655 were closed. Of these, 281 were resolved through voluntary consent agreements, 232 were dismissed for lack of jurisdiction or lack of evidence of a violation; 54 were resolved by board decision and order, and 48 were dismissed with a letter of guidance.

Complaint Investigation: OLR investigators authorized to investigate complaints work in coordination with program staff and assistant attorneys general to conduct investigations and report information to the applicable complaint committee.

Compliance Monitoring: Licensee compliance with board orders and voluntary consent agreements is monitored and coordinated by Complaint Office staff to ensure that licensees who are the subject of board discipline comply with limitations and conditions on their practices. Failure of licensees to comply can result in additional discipline.

Rulemaking: An OLR staff attorney serves as rulemaking coordinator for licensing programs to ensure consistency and continuity of substantive rules and adherence to rulemaking requirements of Maine Administrative Procedure Act. The Office has statutory rulemaking authority separate from licensing programs to ensure standardization, consistency, and fairness in the complaint process, the validation of continuing education submissions, and fees for late renewal of licenses.

Financial Management of Dedicated Revenue: Program administrators are responsible for financial management of assigned licensing programs including preparation of biennial budget information based on historical data specific to each program; monitoring incoming dedicated revenue from license fees; analyzing trends in revenue streams and recommending fee adjustments to Director when necessary to ensure financial stability of each program.

Policy Development: The Director coordinates with the Commissioner's Office and the administration to develop legislative proposals on behalf of the Office and its licensing programs.

Public Accessibility: The OLR website is a multi-purpose public information tool that not only allows licensees to serve themselves by renewing their licenses on-line, but it also allows the licensees and the public to check the license status of a professional, obtain disciplinary information about a licensee, download license applications and forms and print relevant statutes and rules. Public licensing information can be accessed online at www.lllaine.gov//professionallicensing.

Public Accountability: The Freedom of Access Law (1 M.R.S.A. §401-410) ensures that all licensing board meetings are open to the public and that deliberations of boards are a matter of public record. However, Title 10 M.R.S.A. §8003-B establishes the rule of confidentiality for all complaints and investigative records of the agency during the pendency of an investigation. Agency staff responds to frequent Freedom of Access requests from members of the public and the media.

The licensing programs administered by ORL are listed and described below and on the following pages. Additional information is found in Attachment F.

Board of Accountancy

The Board of Accountancy was established to protect the public through regulation of the practice of public accountancy in the State of Maine. The primary responsibility of the Board is to examine, certify and license qualifying applicants for a certificate to practice public accounting in the State; to revoke, suspend or refuse to renew any license or permit after proper notice and hearing; to promulgate rules of professional conduct; and to provide to the public information pertaining to licensed Certified Public Accountants, Public Accountants and Firms licensed by the Board.

Board of Alcohol & Drug Counselors

The State Board of Alcohol and Drug Counselors was established to ensure high professional standards among alcohol and drug counselors that promote quality treatment and rehabilitation services for alcohol and drug abusers. The Board's primary duties are to evaluate applicant qualifications, license applicants who meet requirements, investigate complaints and take appropriate disciplinary action against licensees.

Board for Licensure of Architects, Landscape Architects and Interior Designers

The Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers was established to protect the public and maintain high professional standards through examination and licensure of persons who wish to practice architecture, landscape architecture, and interior design in Maine. The primary responsibilities of the Board are to identify qualified applicants for licensure, to issue licenses and renewals to applicants who have met licensure requirements and to promulgate rules as necessary to establish standards and verify qualifications of applicants for licensure.

Maine Athletic Commission

The Maine Athletic Commission was established to regulate professional boxing contests and exhibitions held in Maine, to ensure the safe pursuit of boxing as a sport and to provide appropriate recreation and entertainment for the public. The primary responsibility of the Commission is to promulgate rules to regulate all licensed participants in professional boxing and kick boxing contests.

Athletic Trainers

The purpose of regulating athletic trainers is to protect the public from unqualified athletic trainers and from unprofessional conduct by persons licensed to use the title "Athletic Trainer." The Office reviews applicants for licensure for the practice of athletic training and compiles/maintains current information on Maine-licensed Athletic Trainers.

Board of Licensing of Auctioneers

The Board of Licensing of Auctioneers was established to protect the public and maintain high professional standards through examination and licensure of persons who wish to engage in auctioning in Maine. The Board's responsibilities are to examine applicants who seek licensure; to issue licenses and renewals to applicants who meet requirements; to promulgate rules establishing standards and to verify qualifications of applicants.

Board of Barbering and Cosmetology

The State Board of Barbering and Cosmetology was established to protect the public through the regulation of the practice of barbering and cosmetology in the State of Maine. The primary responsibility of the Board is to regulate the practice of cosmetology, barbering, aesthetics and manicuring by qualifying applicants for licensure. The Board investigates allegations of noncompliance and acts on these complaints by imposing discipline when necessary. The Board creates safety and sanitation rules and enforces these rules through regular inspections of licensed establishments and consumer complaints. In addition, the Board licenses and regulates schools that offer and provide professional practice courses in the field of cosmetology and barbering.

Board of Boilers and Pressure Vessels

The Board of Boilers and Pressure Vessels was established to preserve and protect the health of the people of the State of Maine by insuring the safe construction, installation, alteration, repair, use and operation of boilers and pressure vessels in the State of Maine. The primary responsibilities of the Board are to evaluate qualifications of applicants, to administer examinations of applicants, to grant licenses to those who meet board requirements, investigate complaints and take appropriate disciplinary action.

Charitable Solicitations

The Office license and provides the public with information about the financial activities of Charitable Organizations, Professional Fundraising Counsel, Commercial Co-venturers, and Professional Solicitors. The primary responsibility of the Office is to review applicants for licensure who organize or operate for any charitable purpose and solicit, accept or obtain public contributions for any charitable purpose; to compile and maintain current information on licensed Charitable Organizations, Professional Fundraising Counsel, Commercial Co-venturers, and Professional Solicitors in Maine.

Board of Chiropractic Licensure

The Board of Chiropractic Licensure was established to protect the public safety, health and welfare through regulation of chiropractic practice in Maine. The primary responsibility of the Board is to examine and license qualified applicants for practice in Maine, issue licenses, investigate complaints and take appropriate disciplinary action.

Board of Complementary Health Care Providers

The Board of Complementary Health Care Providers was established to protect the public through the regulation of the practice of acupuncture and naturopathic medicine in Maine. The Board is authorized to examine and license qualified applicants, to make rules defining the qualifications and professional standards of acupuncturists and naturopathic doctors, to investigate complaints against its licensees and to take appropriate disciplinary action against noncompliance with its rule and law.

Board of Counseling Professionals Licensure

The Board of Counseling Professionals Licensure was created to ensure that the public is protected by a common code of standards and ethics among those who represent themselves as professional counselors qualified to assess and treat interpersonal and other dysfunctional behaviors, and to assist in the overall development and adjustment of those they serve. The primary responsibility of the Board is to examine and license qualified applicants to practice as professional counselors, clinical professional counselors, marriage and family therapists, pastoral counselors and registered counselors in Maine.

Board of Licensure of Dietetic Practice

The State Board of Licensure of Dietetic Practice was established to recognize the professional qualifications of dietitians and dietetic technicians and to assure the availability to the public of information regarding those who hold themselves out to be dietitians and dietetic technicians. The primary responsibility of the Board is to examine and license qualified applicants to practice as dietitians and dietetic technicians in Maine.

Electricians' Examining Board

The Electricians' Examining Board was established to protect the public from hazards arising from the use of electricity for light, heat, power and other purposes through the regulation of electricians in Maine. The primary responsibility of the Board is to insure the competency of electricians through examination; to issue licenses to those qualified to hold the title of Master electrician, Journeyman electrician, Limited electrician, Apprentice electrician, Journeyman-in-training electrician or Helper electrician; to investigate complaints of noncompliance with or violations of the law and board rules; and to issue permits.

Board of Elevator and Tramway Safety

The Board of Elevator and Tramway Safety was established to protect Maine citizens and visitors from unnecessary mechanical hazards in the operation of elevators and tramways and to ensure that reasonable design construction is used, that accepted safety devices in inspections and adjustments considered essential for the safe operations of elevators and tramways are made. The primary responsibilities of the Board are to evaluate applicant qualifications, to administer examinations of applicants, to grant licenses to those who meet board requirements, investigate complaints, and take appropriate disciplinary action; to ensure that maintenance, inspections and adjustments are made which are deemed essential for the safe operation of elevators and tramways and to issue certificates after completion of inspections.

Board of Licensure of Foresters

The Board of Licensure of Foresters was established to protect the public from unqualified practitioners through the regulation of the practice of forestry in the State of Maine and to insure proper management of forest resources in the State. The primary responsibility of the Board is to insure the competency of foresters through examination; to issue licenses to those qualified to hold the title of Forester; to investigate complaints of noncompliance with or violations of the law and board rules.

Board of Funeral Services

The State Board of Funeral Services was established to protect the public through the regulation of the practice of funeral services in the State of Maine. The primary responsibilities of the Board are to examine and license qualified applicants for licensure to practice funeral service, to inspect funeral establishments and to revoke or to refuse to renew any licenses after proper notice and hearing.

Board of Certification for Geologists and Soil Scientists

The State Board of Certification for Geologists and Soil Scientists was established to ensure public safety through licensure and certification of professional geologists and soil scientists defined by education and experience. The primary responsibility of the Board is to examine, certify and grant certificates to applicants who qualify to practice as geologists and soil scientists in the State, and to maintain current information on licensed geologists and soil scientists.

Interpreters for the Deaf and Hard of Hearing

The Office of Licensing and Registration licenses and regulates interpreters for the deaf and hard of hearing; Program responsibilities include licensing qualified candidates for licensure, promulgate appropriate regulations and investigate complaints.

Board of Licensure for Professional Land Surveyors

The State Board of Licensure for Professional Land Surveyors was established to protect the public through regulation of the practice of land surveying in the State of Maine. The primary responsibilities of the Board are to examine and license qualified applicants for licensure to practice land surveying, to revoke or to refuse to renew any licenses after proper notice and hearing.

Manufactured Housing Board

The Manufactured Housing Board was established to ensure that manufactured housing is safe from hazardous defects, provide uniform performance standards for construction and installation of manufactured housing, and provide a safe and sanitary environment for occupants residing in mobile home parks. The primary responsibilities of the board are to examine and license qualified applicants, to promulgate rules defining the qualifications and professional standards of manufacturers, dealers and installers of manufactured housing, to investigate complaints against its licensees, and to take appropriate disciplinary action against noncompliance with its statute and rules.

Massage Therapy Licensure

The Massage Therapy licensing program was established to regulate the conduct of persons offering massage therapy services in order to safeguard public health, safety, and welfare, and to protect the public from incompetent and unauthorized persons in Maine. The Office's primary responsibilities is to review and approve qualified applicants for licensure as licensed massage therapists, to promulgate rules as necessary, to investigate complaints and take disciplinary action for noncompliance with state laws and rules.

Nursing Home Administrators Licensing Board

The Nursing Home Administrators Licensing Board was established to ensure that qualified applicants for licensure meet necessary standards to be responsible for the general administration of a facility other than a hospital. The Board's primary responsibilities are to examine and license qualified applicants by ensuring that minimum core competency standards for general administration of a nursing home facility are met, and to revoke or to refuse to renew any licenses after proper notice and hearing.

Board of Occupational Therapy

The Board of Occupational Therapy Practice was established to protect the public through the regulation of the practice of occupational therapy in Maine. The primary responsibilities of the Board is to examine and license qualified applicants, to promulgate rules defining qualifications and professional standards of practitioners, to investigate complaints against licensees and to take appropriate disciplinary action against noncompliance with its statute and rules.

Oil and Solid Fuel Board

The Oil and Solid Fuel Board was established to protect the public through the regulation of oil and solid fuel boiler technicians and energy auditors and related equipment in Maine. The primary responsibilities of the Board are to examine and license qualified applicants for licensure in the categories of Master Oil Boiler Technician, Master Solid Fuel Technician, Journeyman Oil Boiler Technician, Apprentice Oil Boiler Technician, and Apprentice Solid Fuel Technician; and Energy Auditors (limited license) to establish and maintain required board standards for safety, to investigate all complaints of noncompliance or violations of board law or rules, and to recommend suspension or revocation or refuse to renew licenses after proper notice and hearing.

Board of Pharmacy

The Board of Pharmacy was established to protect the public through the regulation of pharmacies and pharmacists in Maine. The primary responsibilities of the Board are to examine and license qualified applicants for licensure in the categories of Pharmacists or Pharmacists Assistants; to regulate and control the sale, character and standards of all drugs, poisons or medicines; to inspect during business hours all apothecaries, dispensaries, and locations where pharmaceuticals are manufactured, stored, distributed, compounded, dispersed or retailed; to secure samples of drugs and cause them to be analyzed and to keep a record of all persons examined and registered. The Board also investigates complaints against licensees and takes appropriate disciplinary action.

Board of Examiners in Physical Therapy

The State Board of Examiners in Physical Therapy was established to assure the citizens of the State of Maine of the highest standards of practice of physical therapy. The primary responsibilities of the Board are to conduct examinations of candidates for licensure to practice physical therapy, to verify credentials of applicants, to license and renew upon documentation of continuing education activities, to conduct hearings and investigations upon receipt of complaints pertaining to physical therapy.

Plumbers' Examining Board

The Plumbers' Examining Board was established to protect the health of the people of the State of Maine by insuring the existence of adequate safety and health standards for plumbing installations, to examine and license persons performing plumbing in Maine. The primary responsibilities of the Board are to establish and determine qualifications and oversee the administration of examinations of any person applying to act as a plumber, to investigate all complaints of noncompliance or violations of the current board law or rules, to recommend suspension or revocation to the Administrative Court under the provisions of all licensees found to be guilty of fraud, deceit, negligence or misconduct.

Board of Licensure of Podiatric Medicine

The Board of Licensure of Podiatric medicine was established to protect the public through regulation of the practice of podiatry in Maine by setting professional standards of conduct and practice. The primary responsibilities of the Board is to conduct examinations of candidates for licensure to practice podiatry, to verify credentials of applicants, to license and renew upon documentation of continuing education activities, to conduct hearings and investigations upon receipt of complaints pertaining to podiatry.

Propane and Natural Gas Board

The Propane and Natural Gas Board was established to oversee and protect the public through the regulation of propane and natural gas in the State of Maine. The primary responsibilities of the Board are to examine and license qualified applicants for licensure in the endorsements of delivery technician, plant operator, tank setter and outside piping technician, appliance connection and service technician, and large equipment connection and service technician; to establish and maintain required board standards for safety; to investigate complaints of noncompliance or violations of Board law or rules; and to recommend suspension, revocation, or refuse to renew licenses after notice and hearing.

Board of Examiners of Psychologists

The State Board of Examiners of Psychologists was established to assure the citizens of the State of Maine of the highest standards of practice of psychology. The primary responsibilities of the Board are to conduct examinations of candidates for licensure to practice psychology, to verify credentials of applicants, to license and renew upon documentation of continuing education activities, to conduct hearings and investigations upon receipt of complaints pertaining to psychology.

Radiologic Technology Board of Examiners

The Radiologic Technology Board of Examiners was established to protect the public from the effects of excessive and improper exposure to ionizing radiation. The primary responsibilities of the Board is to examine and license qualified applicants, to make rules defining the qualifications and professional standards of practitioners, to investigate complaints against licensees and to take appropriate disciplinary action against noncompliance with its rules and law.

Real Estate Commission

The Real Estate Commission was established to protect the public through the regulation of the real estate industry in Maine. It is charged with the duty of supervising real estate licensees in a manner to ensure that they meet standards which will promote public understanding and confidence in the business of real estate brokerage. The primary responsibilities of the Commission are to license qualified applicants as real estate agencies, real estate brokers, real estate associate brokers, and sales agents, to investigate alleged violations of the law, impose sanctions, and prescribe curricula and standards for real estate education programs.

Board of Real Estate Appraisers

The Maine Board of Real Estate Appraisers was established to protect the public through examination and licensure of persons who wish to conduct real estate appraisals for a fee in the State of Maine as mandated by the Federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989. The primary responsibilities of the Board are to identify qualified applicants for licensure, to issue licenses and renewals to applicants who have met licensure requirements and to promulgate rules as necessary to ensure protection of the public to enforce the Uniform Standards of Professional Appraisal Practice (USPAP).

Board of Respiratory Care Practitioners

The Board of Respiratory Care Practitioners was established to safeguard the public health and safety by protecting the public from incompetent and unauthorized conduct on the part of respiratory care practitioners in the State of Maine. The primary responsibilities of the Board is to conduct examinations of candidates for licensure to practice respiratory care, to verify credentials of applicants, to license and to conduct hearings and investigations upon receipt of complaints, to revoke or to refuse to renew any licenses after proper notice and hearing.

State Board of Social Worker Licensure

The State Board of Social Worker Licensure was established to provide for the regulation of persons offering social work services to safeguard the public health, safety and welfare, to protect the public from incompetent and unauthorized persons and to ensure high standards of practice by social workers. The primary responsibilities of the Board is to evaluate qualifications, supervise examinations of applicants, to grant licenses to those who meet board requirements, investigate complaints, and take disciplinary action; and to revoke or to refuse to renew any licenses after proper notice and hearing.

Board of Speech-Language Pathology, Audiology & Hearing Aid Dealing & Fitting

A new licensing program that combines two separate boards will become operational on December 1, 2007. The Board of Speech - Language Pathology and Audiology will combine with the Maine Hearing Aid Dealers and Fitters Board. Both licensing programs were established originally to license and regulate three separate but related professions. The primary responsibilities of the new Board are to evaluate qualifications of and examine applicants; grant licenses to those who meet board requirements, investigate complaints, and take disciplinary action against licensees.

Transient Sellers

The Office of Licensing and Registration licenses and regulates Transient Sellers who engage in the business of selling merchandise to consumers by means of personal contact or telephone contact by persons who do not have a permanent place of business in the State of Maine. This program includes door-to-door home repair contractors. The primary responsibilities of the Office are to review the credentials of qualified applicants for licensure as transient sellers, to promulgate rules as necessary, investigate complaints and take appropriate disciplinary action for noncompliance of current laws and rules.

Board of Veterinary Medicine

The State Board of Veterinary Medicine was established to protect the public interest through the regulation of the practice of veterinary medicine in order to maintain high professional standards. The primary responsibilities of the Board are to evaluate applicant qualifications, to administer examinations of applicants, to grant licenses to those who meet board requirements, investigate complaints, and take appropriate disciplinary action.

C. Organizational Structure

The Office of Licensing and Registration is an umbrella state agency established by the Legislature in 1975 to provide critical regulatory infrastructure and continuity to public protection programs by coordinating the activity of over 250 licensing board members and a full-time staff of 63.5 state employees. The Director of OLR reports to the Department Commissioner and is responsible for ensuring that OLR licensing programs meet public protection mandates set by the Legislature. OLR staff includes 6 program administrators, 25 investigators/field inspectors, one staff attorney, and 31.5 support staff.

The Office is organized into seven work units, each of which is assigned responsibility for up to 10 licensing programs. Each unit is headed by a program administrator who reports to the Director of OLR. Work units are assigned support staff and may include one or more investigator or field inspector. An organizational chart is found in Attachment F.

D. Compliance with Federal and State Health and Safety Laws

In coordination and cooperation with the other agencies within the Department, the Office of Licensing and Registration fully participates on the Department's Health and Safety Team and Building Security Committee, which have developed policies designed to ensure compliance with state and federal health and safety laws, including the Americans with Disabilities Act.

E. Financial Summary

The Office of Licensing and Registration's financial summary is found in Attachment F.

F. Regulatory Agenda and Summary of Rules Adopted

OLR staff submits a separate regulatory agenda for each licensing program and the Office, which has rulemaking authority in certain areas. Recently submitted regulatory agendas for 2007 are found in Attachment E. During 2006-2007, the following rulemaking projects were finalized pursuant to the Maine Administrative Procedure Act.

OIJR Rulemaking, 2006

'OLR Fee Rule 11, annual license fee adjustment

- Board of Complementary Health Care Providers, herbal formulation
- Manufactured Housing Board, energy code
- Board of Real Estate Appraisers, USPAP update
- State Board of Veterinary Medicine, foreign-trained candidates
- Real Estate Commission, overall revision

OLR Rulemaking, 2007

- OLR Fee Rule 12, fee adjustments
- OLR Fee Rule 13, adoption pending
- Manufactured Housing Board (dealer developers, established place of business, licensing process)
- Oil and Solid Fuel Board, limited energy auditor (emergency)
- Propane and Natural Gas Board, limited energy auditor (emergency)
- Board of Real Estate Appraisers revision (adoption likely 10/1 07)

G. Areas of Coordination with Other State and Federal Agencies

The Office of Licensing and Registration maintains close working relationships with many state agencies, sharing overlapping authority and/or enforcement responsibility.

Office of the Governor and Department of the Secretary of State

OLR shares a common database with the Governor's Office and the Department of the Secretary of State containing board member information.

The Office of the Attorney General

The Attorney General's Office provides legal counsel to the Office of Licensing and Registration and its licensing programs through mutual agreement. OLR shares enforcement and oversight authority with the Attorney General's office for charitable solicitations and transient seller activity. OLR refers information to the Attorney General's staff regarding unlicensed practice that is brought to the agency's attention.

State Fire Marshall's Office and Department of Environmental Protection

OLR staff share information and work in conjunction with the State Fire Marshall's Office and the Department of Environmental Protection, Bureau of Remediation, and share statutory authority for enforcement of adopted safety codes associated with those programs in the areas of inspection of oil, propane, and natural gas installations.

Maine Department of Agriculture

OLR staff share information with and may conduct joint investigations with the Animal Welfare Program staff within the Department of Agriculture on allegations of animal abuse by a licensed veterinarian or veterinary technician.

Department of Education

OLR staff share information with the Maine Department of Education regarding the professions of speech-language pathology and audiology and interpreting for the deaf and hard of hearing. Information is shared with the Office of Higher Education within the Department of Education on barbering and cosmetology school curricula and instructors.

Department of Health and Human Services

OLR staff share information with the Maine Department of Health and Human Services with regard to medical radiation programs and funeral service. OLR staff also share information with the Division of Licensing & Regulatory Services, Medical Facilities Unit within the Department of Health and Human Services on dispensing of pharmaceuticals by pharmacists and pharmacy technicians in a hospital setting.

In addition, OLR coordinates with the Office of Substance Abuse within the Department of Health and Human Services with regard to the prescription drug monitoring program, as well as other alcohol and drug programs.

Department of Public Safety and U.S. Department of Justice

OLR shares information regarding pharmacy practice with the Maine Drug Enforcement Agency within the Department of Public Safety on drug diversion issues; and with the staff of the New England Field Division of the U.S. Department of Justice, Drug Enforcement Administration on federal regulations adopted by the Board of Pharmacy.

U.S. Consumer Product Safety Commission

OLR staff share information with the U.S. Consumer Product Safety Commission on prescription bottle cap safety.

Maine Board of Licensure in Medicine

OLR coordinates with the Maine Board of Licensure in Medicine and other boards that license practitioners with prescriptive authority on the manner of the issuance of prescriptions, and with staff of the Maine Bureau of Insurance on third-party prescription programs. OLR also works in conjunction with the Board of Licensure in Medicine with regard to laser skin treatment devices used by aestheticians and cosmetologists.

[H. Constituencies

The Office serves the public at large including more than 105,000 licensees, as well as applicants for licensure, over 250 board members appointed by the Governor, professional and trade associations at the state and national level and the regulatory programs of other states.

[I. Alternative Delivery Systems

The Office of Licensing and Registration was one of the first umbrella licensing agencies in the country to offer online license renewal services through a collaborative agreement with InforME.

Within the past year, staff of the agency has worked with InforME and Sauper Associates to alter enhanced online renewal services--greatly expanding the number of license types that can renew electronically.

Adoption rates for the online renewal service have increased from a low of 10% in 2005 to more than 70% currently. With higher use of online services comes greater reliance on our technology partners the Office of Information Technology and InforME.

[J. Emerging Issues

Criminal Background Check Policy

Many states require a Federal Bureau of Investigation criminal background check prior to initial licensure. Maine does not. Currently, Office policy requires only that initial licensure applicants undergo a Maine criminal background check through the Department of Public Safety's State Bureau of Identification (SBI). Criminal history reports from the State Bureau of Identification include only crimes committed in Maine and even then, the reports do not include all Maine criminal convictions.

Over the past 10 years, two trends have been observed. First, the number of applicants for licensure who fail to self-disclose criminal history in Maine or in another state, has risen significantly. Second, the number of applicants for initial licensure coming into Maine from other states has also risen markedly. Taken together, these two trends have caused OLR to become concerned about whether the current policy requiring a Maine criminal background check for initial licensure applicants adequately protects the Maine citizens. There have been many documented cases in which the undisclosed criminal convictions or applicants are serious felonies involving drugs and firearms, and white collar crimes including fraud and embezzlement.

As OLR monitors these trends and notes situations in which licensees with criminal backgrounds move from one state to another without disclosing criminal activity, there is concern that a Maine SBI criminal history check may not be sufficient to adequately protect the public from unsafe, unscrupulous, or dishonest practitioners.

OLR intends to focus its efforts in the future on working with its constituent groups and their professional and trade associations to build support for a requirement that all licensees for initial licensure, regardless of their state of residence or whether they have been previously licensed in another state, undergo a Federal Bureau of Investigation criminal background check before an initial license is issued.

K. Information Specifically Requested by the Committee

None requested.

L. Comparison of Related Federal Laws

State regulation of real estate appraisers through the Maine Board of Real Estate Appraisers has been significantly overshadowed by federal statutes passed by Congress that have granted significant federal oversight over state appraiser licensing programs to the Appraisal Foundation. The foundation's Appraisal Qualifications Board (AQB) is the source of appraisal standards and qualifications.

Over the past ten years, the regulatory program of the Maine Board of Real Estate Appraisers has been conformed to the licensing qualifications and continuing education requirements of the AQB which also requires the state to transfer \$50 for each license issued biennially to the federal authority to pay for federal regulation. The only role left for the state licensing Board is to address complaints filed against Maine licensees. Even those board actions are scrutinized closely by the AQB and must meet federal standards.

Although other state licensing programs have aspects of federal oversight, regulation of the real estate appraisal profession stands out as a candidate for total federalization of regulation.

M. Collecting, Managing and Using Personal Information

All agencies within the Department collect personal information. In this context, "personal information" includes but is not limited to home address, telephone number, and financial and medical information. Social Security Numbers and personal information are collected on license applications and during complaint investigations and compliance examinations.

The Department maintains a policy to raise awareness among employees about the proper use of Social Security Numbers and personal information. The policy is intended to prevent the indiscriminate release of such personal information and to establish a procedure to assure that public and Freedom of Access (*FaA*) requests are made and responded to in accordance with the law.

The Department's policy is important for several reasons. Maine law provides that information in the State's possession is generally available to the public unless it is deemed confidential by statute. The Department is taking steps to provide more information to the public online. Increased attention and concern are being focused at the state and national level on issues of privacy and access to sensitive, personal information.

The policy stipulates that Department employees should not disclose or release Social Security Numbers contained in agency files. Employees receive frequent requests for copies of license applications and lists of licensees. Employees should redact any Social Security Numbers before sending out documents responsive to these requests.

Each Department agency has a designated attorney or manager responsible for processing and responding to requests for personal information, including FaA requests. If an employee receives a request from the public to review or copy documents containing personal information, the employee shall ask that the request be in writing. In addition, all responses to such requests shall be reviewed by the designated attorney or manager.

In processing a public or FOA request, each agency redacts information protected by statute. In addition, the agency determines whether the request can be responded to without supplying other personal information. Each agency may have specific information which is protected by law or regulation.

When posting information on the Department's website, agencies do *not* post personal information, such as home addresses and telephone numbers- except when such information is directly applicable to a licensee's business, such as when a home address is also a business address or a home telephone number is also a business telephone number. Under no circumstances are Social Security Numbers to be posted.

Each agency uses its best efforts when collecting information to provide notice regarding whether the information will be treated as public or confidential information.

N. List of Reports, Applications and Other Paperwork

OLR receives more than 25,000 applications for licensure annually. Applications and required submissions can be obtained at www.maine.gov/pfr/professionallicensing. To enhance service and increase efficiency, renewal of many license types can now be accomplished online. Renewals can be submitted electronically 24 hours a day, 7 days a week, up to 60 days prior to the license expiration date. A list of licensing programs, statutory citations, renewal cycles, licensee figures and other data are found at the beginning of Attachment F.

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

ADMINISTRATIVE SERVICES DIVISION

ATTACHMENT A

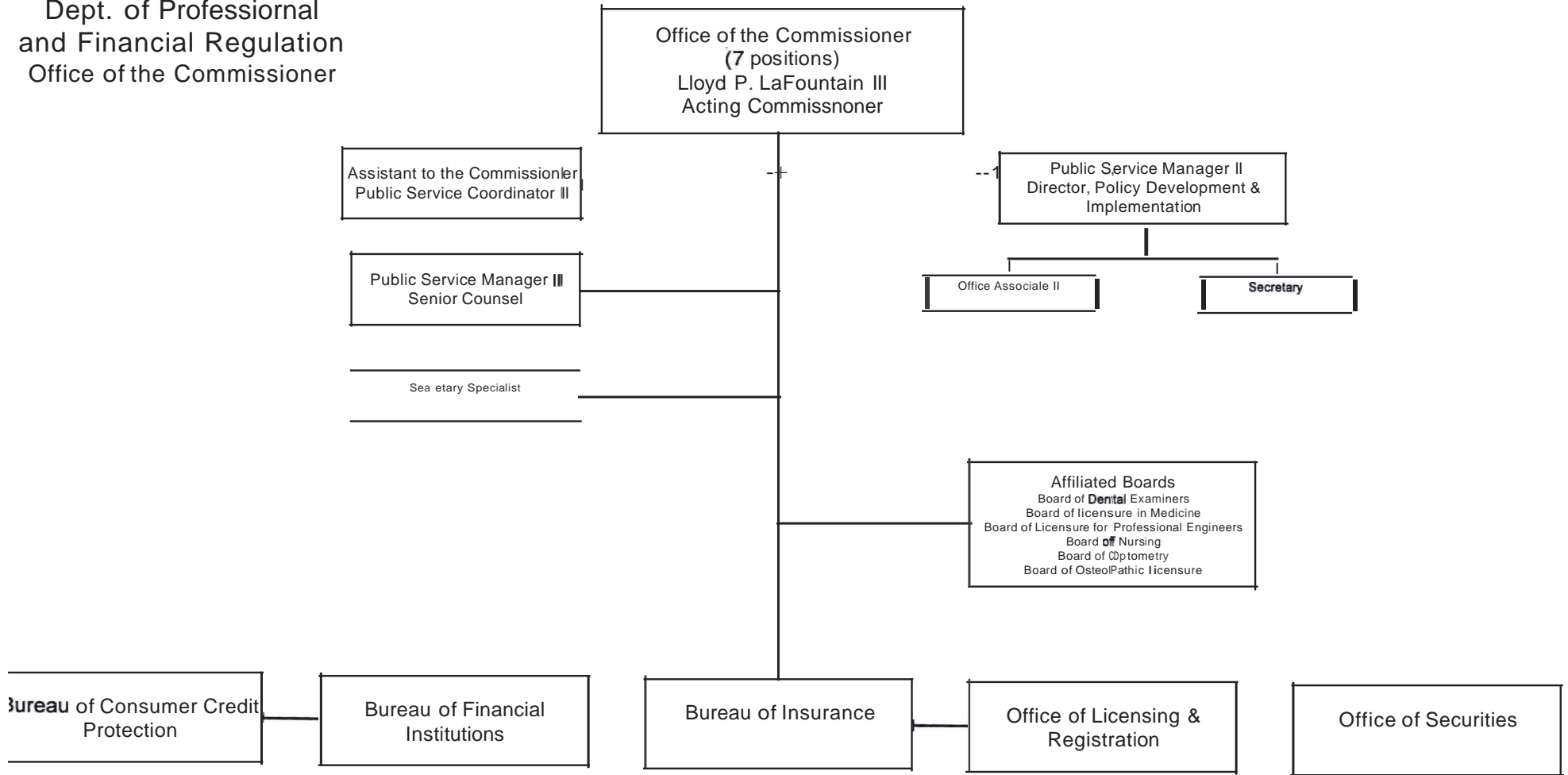
ORGANIZATIONAL CHART:

PAGE 66

FINANCIAL SUMMARY:

PAGE 67

Dept. of Professional
and Financial Regulation
Office of the Commissioner



PROGRAM: Administrative Service Division (0094)
 FUNDING SOURCE: Dedicated Revenue

| FISCAL YEAR: | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|---------------------------------|-----------|-----------|-----------|----------------|-----------|-----------|-------------|-----------|-----------|-----------|
| BUDGETED OTHER SPECIAL REVENUE | | | | | | | | | | |
| MISCELLANEOUS | 64,598 | 43,132 | 80,000 | 48,000 | 23,050 | 456 | | | | |
| REVENUE FROM DICAP | 1,953,173 | 3,499,948 | 2,252,552 | 2,076,927 | 2,870,235 | 3,373,263 | 3,782,753 | 3,820,988 | 3,315,913 | 3,191,433 |
| TOTAL | 2,017,771 | 3,543,080 | 2,332,552 | 2,124,927 | 2,893,285 | 3,373,719 | 3,782,753 | 3,820,988 | 3,315,913 | 3,191,433 |
| OTHER SPECIAL REVENUE COLLECTED | | | | | | | | | | |
| MISCELLANEOUS | 97,185 | 81,304 | 638,367 | 54,466 | 50,351 | 14,436 | 3,123 | 55,071 | 9,256 | 38,616 |
| REVENUE FROM DICAP | 2,201,951 | 2,963,940 | 2,053,982 | 1,870,224 | 2,803,851 | 3,562,092 | 3,613,913 | 2,580,028 | 5,447,963 | 2,972,500 |
| TOTAL | 2,299,136 | 3,045,244 | 2,692,349 | 1,924,690 | 2,854,202 | 3,576,528 | 3,617,037 | 2,635,099 | 5,457,219 | 3,011,115 |
| ALLOCATED | | | | | | | | | | |
| PERSONAL SERVICES | 826,092 | 863,392 | 912,106 | 935,845 | 1,002,244 | 1,028,045 | 1,087,151 | 1,113,503 | 957,632 | 534,183 |
| ALL OTHER | 998,646 | 1,007,324 | 965,078 | 932,725 | 1,397,302 | 1,414,629 | 2,509,367 | 2,538,168 | 1,919,414 | 2,398,040 |
| CAPITAL EXPENDITURE: | 185,800 | 245,450 | 147,567 | 81,700 | 35,000 | 35,875 | | | | |
| TOTAL | 2,010,538 | 2,116,166 | 2,024,751 | 1,950,270 | 2,434,546 | 2,478,549 | 3,596,518 | 3,651,671 | 2,877,046 | 2,932,223 |
| EXPENDED | | | | | | | | | | |
| PERSONAL SERVICES | 815,776 | 879,957 | 834,046 | 892,134 | 976,244 | 965,556 | 1,052,051 | 955,658 | 842,201 | 351,557 |
| ALL OTHER | 959,792 | 1,441,372 | 1,209,127 | 1,064,052 | 2,004,366 | 1,631,692 | 2,0510,654 | 1,969,536 | 1,942,639 | 2,570,357 |
| CAPITAL EXPENDITURE: | 136,225 | 21,858 | 102,523 | | 37,354 | 100,846 | 92,754 | 30,225 | | |
| TOTAL | 1,911,793 | 2,343,186 | 2,145,697 | 1,956,186 | 3,017,964 | 2,698,094 | 3,195,459 | 2,955,420 | 2,784,839 | 2,921,914 |
| TRANSFERS TO THE GENERAL FUND | | | | | | | | | | |
| | | | | | | 9,002 | 518,750 | 43,479 | 181,062 | 1,307,190 |

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

BURBA U OF FINANCIAL INSTITUTIONS

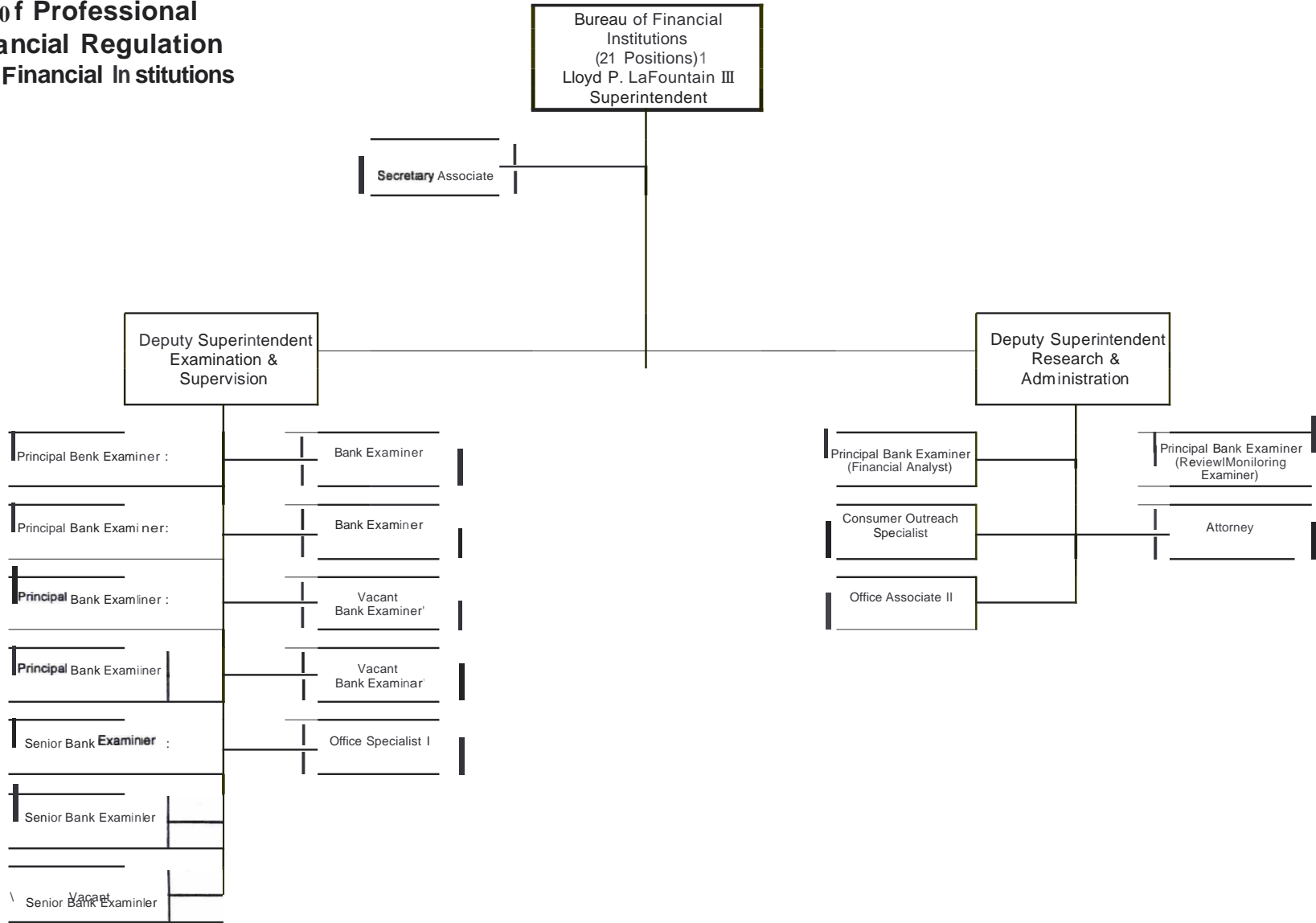
ATTACHMENTB

ORGANIZATIONAL CHART: PAGE 69

FINANCIAL SUMMARY: PAGE 70

REGULATORY AGENDA: PAGE 71

**Dept. of Professional
and Financial Regulation
Bureau of Financial Institutions**



PROGRAM: Bureau of Financial Institutions (0093)
 FUNDING SOURCE: Dedicated Revenue

| FISCAL YEAR: | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|---------------------------------|-----------|-----------|-----------|----------------|-----------|-----------|------------------|-----------|-----------|-----------|
| BUDGETED GENERAL FUND REVENUE | | | | | | | | | | |
| GENERAL FUND REVENUE COLLECTED | | | | | | | | | 18,460 | |
| BUDGETED OTHER SPECIAL REVENUE | 2,013,000 | 1,710,886 | 1,803,200 | 1,685,500 | 1,659,615 | 1,765,467 | 2,358,348 | 2,474,737 | 2,325,640 | 2,463,591 |
| OTHER SPECIAL REVENUE COLLECTED | 1,637,797 | 1,816,283 | 1,909,355 | 1,688,299 | 1,724,759 | 1,803,863 | 2,233,807 | 1,940,797 | 2,053,302 | 2,189,677 |
| ALLOCATED | | | | | | | | | | |
| PERSONAL SERVICES | 1,200,934 | 1,160,209 | 1,149,814 | 1,167,486 | 1,204,295 | 1,233,196 | 1,426,265 | 1,471,713 | 1,486,782 | 1,521,155 |
| ALL OTHER | 283,521 | 364,191 | 446,558 | 482,852 | 421,100 | 431,621 | 805,341 | 772,784 | 625,191 | 645,767 |
| TOTAL | 1,484,455 | 1,524,400 | 1,596,372 | 1,650,338 | 1,625,395 | 1,664,817 | 2,231,606 | 2,244,497 | 2,111,973 | 2,166,922 |
| EXPENDED | | | | | | | | | | |
| PERSONAL SERVICES | 1,190,778 | 1,136,867 | 1,094,713 | 1,138,812 | 1,171,705 | 1,227,100 | 1,332,147 | 1,371,244 | 1,518,032 | 1,527,207 |
| ALL OTHER | 260,860 | 271,264 | 267,343 | 279,219 | 326,461 | 337,021 | 340,853 | 301,343 | 351,533 | 406,859 |
| TOTAL | 1,451,638 | 1,408,132 | 1,362,056 | 1,418,051 | 1,498,166 | 1,564,120 | 1,673,000 | 1,672,587 | 1,869,565 | 1,934,066 |
| BUDGETED DICAP TRANSFER | 250,905 | 333,406 | 226,228 | 235,994 | 216,316 | 218,113 | 237,804 | 240,530 | 265,725 | 230,730 |
| DICAP TRANSFERRED | 247,441 | 215,066 | 207,694 | 158,440 | 186,564 | 211,132 | 294,884 | 164,596 | 234,609 | 210,020 |
| TRANSFERS TO THE GENERAL FUND | | | | | | 195,932 | 79,176 | 57,332 | 211,592 | 190,477 |

Maine Administrative Procedure Act
2007 Regulatory Agenda
Bureau of Financial Institutions
September, 2007

EXPECTED 2007-2008 RULEMAKING ACTIVITY:

CHAPTER NUMBER 101: Retention of Records - Financial Institutions.

STATUTORY AUTHORITY: 9-B M.R.S.A. § 225

PURPOSE: This rule sets forth the minimum time frames under which a financial institution must retain its customer transaction records. The Bureau may amend this rule to keep pace with changes in the industry.

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES: All state-chartered financial institutions and their customers.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 107: Activities Permissible For Financial Institution Holding Companies.

STATUTORY AUTHORITY: 9-B M.R.S.A. § 1014

PURPOSE: *This* rule identifies permissible closely related activities in which a financial institution may engage either directly or through a subsidiary of a financial institution holding company. The Bureau may amend this rule to keep pace with changes in authorizing state statute, federal rules in this area and the evolution of the financial services industry.

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES: All state-chartered financial institutions and holding companies.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 108: Loans Secured By A First Mortgage On Residential Real Estate Payable On Demand.

STATUTORY AUTHORITY: 9-B M.R.S.A. § 241

PURPOSE: This rule prohibits the use of demand mortgages for most consumer transactions. The Bureau may amend this rule to keep pace with changes in industry and secondary market standards for sale of mortgages.

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES: State-chartered financial institutions and consumers of financial services.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 109: Advertising By Financial Institutions, Financial Institution Holding Companies, And Subsidiaries or Service Corporations.

STATUTORY AUTHORITY: 9-B M.R.S.A. §§ 215,241, And 242

PURPOSE: This rule provides guidance for advertising by financial institutions. The Bureau may amend this rule to keep pace with changes in state/federal rules governing this area.

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES: State-chartered financial institutions and consumers of financial services.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 118: Deposit Account Disclosures.

STATUTORY AUTHORITY: 9-B M.R.S.A. § 241

PURPOSE: This regulation sets forth minimum standards for disclosure of policies and fees charged customers of financial institutions in conjunction with the maintenance and operation of deposit accounts. The Bureau may amend *this* rule to keep pace with changes in the industry and/or federal rules.

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES: State-chartered financial institutions and consumers of financial services.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 119: Alternative Mortgage Transactions. (Office of Consumer Credit Chapter 250)
STATUTORY AUTHORITY: 9-B M.R.S.A. §§ 111, 215, and 241 ; 9-A M.R.S.A. §6-104
PURPOSE: This joint rule sets forth the guidelines for regulating alternative mortgage transactions entered into by financial institutions and supervised lenders. The Bureau and the Office of Consumer Credit **Regulation** may amend the **rule to keep** pace with changes in industry and secondary market standards for sale of mortgages.
ANTICIPATED SCHEDULE: 2007-2008.
AFFECTED PARTIES: Maine consumers of financial services, state-chartered financial institutions and other licensed creditors.
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 122: Securities Activities Of Subsidiaries Of Financial Institutions.
STATUTORY AUTHORITY: 9-B M.R.S.A. §§ 111, 131, and 416
PURPOSE: This rule provides the regulatory framework for financial institutions to engage in certain securities brokerage activities. The Bureau may amend rule to keep pace with changes in industry.
ANTICIPATED SCHEDULE: 2007-2008.
AFFECTED PARTIES: State-chartered financial institutions and consumers of financial services.
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 123: Insurance Activities In Financial Institutions.
STATUTORY AUTHORITY: 9-B M.R.S.A. §§ 111,241, and 416.
PURPOSE: This rule provides the regulatory framework for financial institutions to enter into lease arrangements with an insurance producer for the distribution of insurance products. The Bureau may amend rule to keep pace with changes in state law and the regulated industry.
ANTICIPATED SCHEDULE: 2007-2008
AFFECTED PARTIES: **State-chartered financial institutions and consumers of financial services.**
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 126: Guaranty Association Lines Of Credit (Bureau Of Insurance Chapter 570).
STATUTORY AUTHORITY: 9-B M.R.S.A. § 215 And 24-A M.R.S.A. §§ 212 and 4435
PURPOSE: This joint rule was issued to establish the terms, conditions, standards, and form of any line of credit extended to the Maine Insurance Guaranty Association, Maine Life and Health Insurance Guaranty Association, or any of their member insurers, for purposes of facilitating the prompt payment of covered claims against insolvent insurers. The Bureau may amend this rule to keep pace with changes in the industry.
ANTICIPATED SCHEDULE: 2007-2008.
AFFECTED PARTIES: All financial institutions and Maine insurance company members of the Maine Insurance Guaranty Association.
CONSE SUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 127: Minimum Capital Standards.
STATUTORY AUTHORITY: 9-B M.R.S.A. § 412-A
PURPOSE: This regulation sets forth minimum capital requirements for Maine chartered financial institutions. The Bureau may amend this rule to keep pace with changes in federal law and/or the regulated industry.
ANTICIPATED SCHEDULE: 2007-2008.
AFFECTED PARTIES: All state-chartered financial institutions.
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 128: Loans To One Borrower Limitations.
STATUTORY AUTHORITY: 9-B M.R.S.A. § 439-A
PURPOSE: This regulation establishes the basis for determining the legal lending limit for all Maine chartered financial institutions, including their subsidiaries. The Bureau may amend this rule to keep pace with changes in federal law and/or the regulated industry.
ANTICIPATED SCHEDULE: 2007-2008.
AFFECTED PARTIES: All state-chartered financial institutions.
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 129: Financial Institutions and Broker-Dealers Engaging in Third Party Brokerage Arrangements (Office of Securities Chapter 506).

STATUTORY AUTHORITY: 9-B M.R.S.A. §§ 111,241, and 416

PURPOSE: This joint rule provides the regulatory framework for financial institutions and licensed ~~broker-dealers to enter~~ into arrangements for the sale of securities. The Bureau and the Office of Securities may amend this rule to keep pace with federal law and/or the regulated industry.

ANTICIPATED SCHEDULE: 2007-2007.

AFFECTED PARTIES: All state-chartered financial institutions and consumers of non-deposit products.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 130: Distribution Of Annuities Through Financial Institutions.

STATUTORY AUTHORITY: 9-B M.R.S.A. § 111,241,443

PURPOSE: This regulation establishes the framework within which a financial institution may sell, or arrange for the sale of, ~~annuities purchased~~ from a licensed insurance company. The Bureau may amend this rule to keep pace with state or federal law.

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES: All state-chartered financial institutions and consumers of non-deposit products.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 131: Assessments - Financial Institutions

STATUTORY AUTHORITY: 9-B M.R.S.A §§ 214, 215

PURPOSE: This regulation establishes the assessment rate to be applied to Maine chartered financial institutions in order to provide for a reasonable flow of revenue to support Bureau operations. The Bureau may amend this rule to keep pace with changes in the regulated industry.

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES: All state-chartered financial institutions.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 132: Mutual Holding Companies.

STATUTORY AUTHORITY: 9-B M.R.S.A. §§ 111,416,1055

PURPOSE: This rule provides the regulatory framework to permit a mutual financial institution to reorganize into a subsidiary stock savings bank and form a mutual holding company. The Bureau may amend this rule to keep pace with state/federal law.

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES: All state-chartered mutual and cooperative financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 133: Leasing Of Personal Property By State-Chartered Credit Unions.

STATUTORY AUTHORITY: 9-B M.R.S.A. §111, 215, and 828

PURPOSE: This rule provides the regulatory framework to pennit state-chartered credit unions to lease personal property to their members. The Bureau may amend this rule to keep pace with federal law.

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES: All state-chartered credit unions and their members.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 134: Credit Union Service Corporations.

STATUTORY AUTHORITY: 9-B M.R.S.A. § 111, 131(37),215, and 828

PURPOSE: This rule authorizes state-chartered credit unions to invest in service corporations that may engage in any activity permissible for a service corporation owned by a federally chartered credit union. The Bureau may amend this rule to keep pace with federal law.

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES: All state-chartered credit unions and their members.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 135: Pennissible Tie-In Arrangements .

STATUTORY AUTHORITY: 9-B M.R.S.A § 111, 215, and 243

PURPOSE: This rule pennits a financial institution authorized to do business in Maine to tie certain products/services to those of affiliates as pennitted under federal law . The Bureau may amend this rule to keep pace with federal law.

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES: All state-chartered financial institutions.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 136: Deposit Production Offices .

STATUTORY AUTHORITY: 9-B M.R.S.A. § 241

PURPOSE: This rule sets forth the factors that the Superintendent will consider in determining whether a financial institution or credit union authorized to do business in this State is operating a deposit production office. The Bureau may amend this rule to keep pace with changes on state/federal level.

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES: Maine consumers and businesses and all financial institutions authorized to do business in this state.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 137: Interstate Branch Assessment.

STATUTORY AUTHORITY: 9-B M.R.S.A § 214

PURPOSE: This rule establishes a reasonable fee which must be paid to the Bureau by out of state, state chartered and foreign banks that operate interstate branches in Maine. The Bureau may amend this rule to keep pace with changes in the industry.

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES: Any financial institution operating an interstate branch.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 138: Truth-In Lending Regulation Z-2 (Office of Consumer Credit Regulation Chapter 240)

STATUTORY AUTHORITY: 9-A M.R.S.A. § 6-104 and § 8-104

PURPOSE: This joint rule adopts the Federal Truth-in-Lending regulations by reference so as to implement Article VIII of the Maine Consumer Credit Code. The Bureau may engage in joint rulemaking with the Office of Consumer Credit Regulation to amend this rule to keep pace with changes at the federal level and maintain Maine's exemption from Reg. Z.

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES: All state-chartered financial institutions, supervised lenders, and consumers.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 139: Sale Of Insurance Products By Financial Institutions And Supervised Lenders. (Office of Consumer Credit Regulation Chapter 400 and Bureau of Insurance Regulation Chapter 880)

STATUTORY AUTHORITY: 9-B M.R.S.A. §§ 416, 448; 9-A M.R.S.A. §4-407

PURPOSE: This tripartite rule establishes the requirements with respect to signage, physical location and identification of insurance agencies, producers and consultants in connection with the sale of insurance products by financial institutions, etc. The Bureau may amend this rule with Bureau of Insurance and Office of Consumer Credit Regulation to keep pace with changes in the industry and regulatory arena.

ANTICIPATED SCHEDULE: 2007-2008,

AFFECTED PARTIES: Maine consumers and state-chartered financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 140: Student Loan Disclosures. (Office of Consumer Credit Regulation Chapter 245)

STATUTORY AUTHORITY: 9-A M.R.S.A. §§ 8-104(1); Title 10 M.R.S.A. § 363(8) (A)

PURPOSE: This joint rule establishes disclosure and procedural requirements for student loan products offered by lenders and issuers and funded by an allocation of the state's bond ceiling. The Bureau may amend this joint rule with the Office of Consumer Credit Regulation to keep pace with changes in the industry.

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES: All lenders and issuers of student loan products and consumers borrowing under those programs.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 141: Annual Assessments - Nondepository Trust Companies, Uninsured Banks, and Merchant Banks

STATUTORY AUTHORITY: 9-B M.R.S.A. §§ 214 and 215

PURPOSE: This rule addresses assessments paid by state-chartered nondepository trust companies, uninsured banks, and merchant banks. The Bureau will amend this rule to implement changes in the underlying statutory authority.

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES: State chartered limited purpose financial institutions.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 142: Charges Permitted for Prepayment of Certain Consumer Loans

STATUTORY AUTHORITY: 9-B M.R.S.A. §§ 111,215,241; 9-A M.R.S.A. § 2-509

PURPOSE: This rule addresses reasonable charges that a bank or credit union may assess for the prepayment of a consumer loan.

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES; State chartered financial institutions and Maine consumers.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER: 143: Multiple of the Federal Minimum Wage (Office of Consumer Credit Regulation Chapter 120)

STATUTORY AUTHORITY: 9-A M.R.S.A. §§ 1-301(2), 5-105(2)(C) and 9-B M.R.S.A. § 215

PURPOSE: To establish a method for calculating the maximum earnings subject to garnishment when an individual debtor is not paid on a weekly basis.

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES; Maine consumers, financial institutions, non-bank lenders, and general creditors.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER: New Rule

STATUTORY AUTHORITY: 9-B M.R.S.A. §§ 842 and 828

PURPOSE: New rule to address powers and duties of the Board of Directors of credit unions.

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES; All state-chartered credit unions.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER: New Rule

STATUTORY AUTHORITY: 9-B M.R.S.A § 111 and 1015

PURPOSE: New rule to address applications processing protocol.

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES; All state-chartered financial institutions.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER: New Rule
STATUTORY AUTHORITY: 9-B M.R.S.A. § 215
PURPOSE: New rule to address safety and soundness issues essential to the supervision of state-chartered financial institutions.
ANTICIPATED SCHEDULE: 2007-2008.
AFFECTED PARTIES: Maine businesses and consumers of financial services and all state-chartered financial institutions.
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER: New Rule
STATUTORY AUTHORITY: 9-B M.R.S.A. § 367-A
PURPOSE: New rule to address the process for establishing and implementing a receivership or conservatorship in a Maine financial institution.
ANTICIPATED SCHEDULE: 2007-2008.
AFFECTED PARTIES: Maine businesses and consumers of financial services and all state-chartered financial institutions.
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER: New Rule
STATUTORY AUTHORITY: 9-B M.R.S.A. § 416
PURPOSE: New rule to address safety and soundness and consumer protection issues relating to powers granted through parity.
ANTICIPATED SCHEDULE: 2007-2008.
AFFECTED PARTIES: Consumers of financial services and all state-chartered financial institutions.
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER: New Rule
STATUTORY AUTHORITY: 9-B M.R.S.A. § 418
PURPOSE: New rule to expand the activities in which a financial institution may engage under agency agreement.
ANTICIPATED SCHEDULE: 2007-2008.
AFFECTED PARTIES: Consumers of financial services and any financial institution providing services through agency agreements.
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER: New Rule
STATUTORY AUTHORITY: 9-B M.R.S.A. § 131(6-A), 446-A, and 1014
PURPOSE: New rule expanding the list of closely related activities to keep pace with changes in state/federal law and in the financial services industry.
ANTICIPATED SCHEDULE: 2007-2008.
AFFECTED PARTIES: Maine consumers and businesses and state-chartered financial institutions.
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER: New Rule
STATUTORY AUTHORITY: 9-B M.R.S.A. § 469
PURPOSE: New rule defining a change in the composition of all or substantially all of a financial institution's assets and setting forth the factors to consider in determining what constitutes a fundamental change in assets.
ANTICIPATED SCHEDULE: 2007-2008.
AFFECTED PARTIES: Maine state-chartered financial institutions.
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER: New Rule
STATUTORY AUTHORITY: 9-B M.R.S.A. § 468
PURPOSE: New rule to define or further define instructions on transactions with affiliates.
ANTICIPATED SCHEDULE: 2007-2008.
AFFECTED PARTIES: State-chartered financial institutions.
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER: New Rule
STATUTORY AUTHORITY: 9-B M.R.S.A § 475
PURPOSE: New rule to address trust activities of financial institutions.
ANTICIPATED SCHEDULE: 2007-2008.
AFFECTED PARTIES: State-chartered financial institutions.
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER: New Rule
STATUTORY AUTHORITY: 9-B M.R.S.A § 814
PURPOSE: New rule to address conversion of a credit union field of membership to a community based field of membership.
ANTICIPATED SCHEDULE: 2007-2008.
AFFECTED PARTIES: State chartered credit unions.
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER: New Rule
STATUTORY AUTHORITY: 9-B M.R.S.A § 832
PURPOSE: New rule to address credit union transfers to the guaranty fund. ANTICIPATED SCHEDULE: 2007-2008.
AFFECTED PARTIES: State chartered credit unions.
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER: New Rule
STATUTORY AUTHORITY: 9-B M.R.S.A § 843(4)
PURPOSE: New rule to address employee benefits, including retirement benefits, for credit union employees and officers.
ANTICIPATED SCHEDULE: 2007-2008.
AFFECTED PARTIES: State chartered credit unions.
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER: New Rule
STATUTORY AUTHORITY: 9-B M.R.S.A § 844
PURPOSE: New rule to address duties of a credit union Supervisory Committee.
ANTICIPATED SCHEDULE: 2007-2008.
AFFECTED PARTIES: State chartered credit unions.
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER: New Rule
STATUTORY AUTHORITY: 9-B M.R.S.A § 854
PURPOSE; New rule to address credit union lending limitations.
ANTICIPATED SCHEDULE: 2007-2008.
AFFECTED PARTIES: State chartered credit unions.
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER: New Rule
STATUTORY AUTHORITY: 9-B M.R.S.A. §§1213-A, 1223-A, and 1233-A.
PURPOSE: New rule to implement the asset pledge requirement for Maine chartered limited purpose banks.
ANTICIPATED SCHEDULE: 2007-2008.
AFFECTED PARTIES: Maine businesses and consumers of financial services and all state-chartered financial institutions.
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER: New Rule
STATUTORY AUTHORITY: 9-B M.R.S.A § 1216
PURPOSE: New rule to address activities of non-depository trust companies and implement provisions of Chapter 121.
ANTICIPATED SCHEDULE: 2007-2008.
AFFECTED PARTIES: Non-depository trust companies.
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER: New Rule

STATUTORY AUTHORITY: 9-B M.R.S.A. § 1227

PURPOSE: New rule to address activities of merchant banks and implement provisions of Chapter 122.

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES: Merchant banks.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER: New Rule

STATUTORY AUTHORITY: 9-B M.R.S.A. § 1238

PURPOSE: New rule to address activities of uninsured banks and implement provisions of Chapter 123.

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES: Uninsured banks.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER: New Rule.

STATUTORY AUTHORITY: 9-A M.R.S.A. § 6-104(1) (E), 6-104(4) (A)

PURPOSE: Engage in joint rulemaking, as appropriate, with the Office of Consumer Credit Regulation to promulgate a rule governing agency organization, administration and procedures.

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES: Maine consumers, financial institutions, non-bank lenders, and general creditors.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER: New Rule

STATUTORY AUTHORITY: 9-A M.R.S.A. §4-301(4); §6-104

PURPOSE: Engage in joint rulemaking, as appropriate, with the Office of Consumer Credit Regulation to promulgate a rule which prohibits dual coverage of insurance on items related to credit transactions.

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES: Maine consumers, financial institutions, non-bank lenders, and general creditors.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER: New Rule

STATUTORY AUTHORITY: 9-A M.R.S.A. §2-510(3), §8-104(1)

PURPOSE: Engage in joint rulemaking, as appropriate, with the Office of Consumer Credit Regulation to promulgate a rule which authorizes the use of rate tables for calculating unearned interest on certain precomputed transactions and establishes certain standards that the tables must meet.

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES: Maine consumers in credit transactions and creditors offering consumer credit on a precomputed basis.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER: New Rule

STATUTORY AUTHORITY: 9-A M.R.S.A. §6-104(1) (E), §8-104(1), and §8-108(3)

PURPOSE: Engage in joint rulemaking, as appropriate, with the Office of Consumer Credit Regulation to promulgate a rule that establishes the procedures the Bureau plans to follow upon discovery of certain violations of the Maine Consumer Credit Code.

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES: Maine consumers, financial institutions, non-bank lenders, and general creditors.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER: New Rule

STATUTORY AUTHORITY: 9-A M.R.S.A. §2-501

PURPOSE: Engage in joint rulemaking, as appropriate, with the Office of Consumer Credit Regulation to promulgate a rule addressing permissible charges for benefits conferred upon the consumer.

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES: Maine consumers, financial institutions, non-bank lenders, and general creditors.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER: New Rule

STATUTORY AUTHORITY: 10 M.R.S.A. §1350-A

PURPOSE: New rule to address security breach notification requirements for financial institutions.

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES: Maine consumers and businesses.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER: New Rule

STATUTORY AUTHORITY: 10 M.R.S.A. §1495

PURPOSE: Engage in joint rulemaking, as appropriate, with the Office of Consumer Credit Regulation to promulgate a rule regarding payroll processing companies

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES: Maine consumers and businesses.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER: New Rule

STATUTORY AUTHORITY: P.L. 2007, chap. 275 § A-40, (Act to protect Maine homeowners from predatory lending); 9-A M.R.S.A. 8-206-0;

PURPOSE: Engage in joint rulemaking, as appropriate, with the Office of Consumer Credit Regulation to promulgate a rule regarding ability to pay subprime mortgage loans and to define requirements for compliance with Maine's mortgage flipping prohibition.

ANTICIPATED SCHEDULE: 2007-2008.

AFFECTED PARTIES: Maine consumers, Maine financial institutions, non-bank lenders and mortgage brokers.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

BUREAU OF CONSUMER CREDIT PROTECTION

ATTACHMENTS

| | |
|-----------------------|---------|
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| LIST OF REPORTS: | PAGE 88 |

**Dept. of Professional
and Financial Regulation
Bureau of Consumer Credit Protection**

Bureau of Consumer Credit
Protection
(13.5 positions)¹
Will Lund, Superintendent

Examiner-in-
Charge
(Financial
Analysis)

Principal Examiner
(Exam Division)

Principal Examiner
(Licensing Div.)

Principal Examiner
(Complaint Div.)

Principal Examiner
(Lic./Complaints)

Secretary Associate

Senior Field
Examiner

Senior Examiner
(Payroll
Processors)

Senior Field
Examiner (½ time
position)

Senior Examiner
(lic./Complaints)

Clerk IV
(fi.icensing)

Office Associate II
(ATMs)

Office Associate II
(Complaint Log-in)

PROGRAM: Bureau of Consumer Credit **Protection** (0091)
 FUNDING: Dedicated Revenue

| FISCAL YEAR: | | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|---------------------------------|--|---------|-----------|---------|----------------|-----------|-----------|------------------|-----------|----------------|-----------|
| BUDGETED GENERAL FUND REVENUE | | | | | | | | | | | |
| GENERAL FUND REVENUE COLLECTED | | | | | | | | | 7,500 | 2,710 | 51,805 |
| BUDGETED OTHER SPECIAL REVENUE | | 741,805 | 760,357 | 762,400 | 783,900 | 755,300 | 772,300 | 1,080,136 | 1,209,893 | 1,089,064 | 957,120 |
| OTHER SPECIAL REVENUE COLLECTED | | 796,830 | 1,090,522 | 858,644 | 947,545 | 1,131,016 | 1,256,304 | 1,528,804 | 1,366,600 | 1,507,155 | 1,291,368 |
| ALLOCATED | | | | | | | | | | | |
| PERSONAL SERVICES | | 491,679 | 503,865 | 471,368 | 481,376 | 586,771 | 596,649 | 740,098 | 881,232 | 932,414 | 959,053 |
| ALL OTHER | | 141,559 | 152,385 | 156,540 | 159,275 | 153,242 | 156,871 | 166,257 | 174,321 | 195,153 | 442,803 |
| TOTAL | | 633,238 | 656,250 | 627,908 | 640,651 | 740,013 | 753,520 | 906,355 | 1,055,553 | 1,127,567 | 1,401,856 |
| EXPENDED | | | | | | | | | | | |
| PERSONAL SERVICES | | 451,794 | 480,260 | 487,598 | 514,476 | 614,023 | 646,169 | 706,507 | 839,972 | 904,785 | 923,846 |
| ALL OTHER | | 146,173 | 121,178 | 133,868 | 155,590 | 134,895 | 121,080 | 162,384 | 137,642 | 155,097 | 425,748 |
| TOTAL | | 597,967 | 601,438 | 621,466 | 670,066 | 748,918 | 767,249 | 868,891 | 977,614 | 1,059,882 | 1,349,594 |
| BUDGETED DICAP TRANSFER | | 97,983 | 124,141 | 86,703 | 80,558 | 156,957 | 178,640 | 156,560 | 158,053 | 249,075 | 211,769 |
| DICAP TRANSFERRED | | 103,042 | 211,787 | 76,110 | 75,969 | 154,019 | 178,658 | 163,072 | 140,516 | 293,162 | 203,611 |
| TRANSFERS TO THE GENERAL FUND | | | | | | | 150,552 | 44,129 | 30,795 | 444,253 | 347,392 |

Bureau of Consumer Credit Protection
Maine Administrative Procedure Act
2007-2008 Regulatory Agenda
September 27, 2007

AGENCY UMBRELLA-UNIT NUMBER: 02-030

AGENCY NAME: Department of Professional and Financial Regulation, Office of Consumer Credit Regulation

CONTACT PERSON: William N. Lund, Director, 35 State House Station, Augusta, Maine 04333-0035. Tel: (207) 624-8527.

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None
EXPECTED 2007-2008 RULE-MAKING ACTIVITY:

CHAPTER 110 (or new joint rule with the Bureau of Financial Institutions)

TITLE: Bureau Organization, Administration and Procedure

STATUTORY AUTHORITY: 9-A M.R.S.A. § 6-104(4)(A); § 6-104(1)(E)

PURPOSE: This rule sets forth the basic organizational and procedural structure of the agency. Due to changes in the statutory framework of the agency and the sharing of jurisdiction with the Bureau of Financial Institutions, this rule may be revised to reflect those changes.

ANTICIPATED SCHEDULE: Prior to October, 2008

AFFECTED PARTIES: Consumers, non-bank lenders, general creditors and other regulated entities.

CONSENSUS-BASED RULEMAKING: The agency does not plan to employ consensus-based rule development in formulating its planned rule changes.

CHAPTER 120 (or new joint rule with the Bureau of Financial Institutions) (Repealed and replaced June 18, 2005)

TITLE: Multiple of the Federal Minimum Wage

STATUTORY AUTHORITY: 9-A M.R.S.A. § 5; 105(2)(C); § 6-104

PURPOSE: Engage in joint rulemaking, as appropriate, with the Bureau of Financial Institutions to amend the rule that establishes the method by which an employee's wages may be garnished when the employee is paid other than weekly, pursuant to the limitations of the Maine Consumer Credit Code.

ANTICIPATED SCHEDULE: Prior to October, 2008, as necessary

AFFECTED PARTIES: Consumers, non-bank lenders, general creditors, and other regulated entities.

CONSENSUS-BASED RULEMAKING: The agency does not plan to employ consensus-based rule development in formulating its planned rule changes.

CHAPTER 140 (or new joint rule with the Bureau of Financial Institutions)

TITLE: Limited Coverage on Property Related to Credit Transactions

STATUTORY AUTHORITY: 9-A M.R.S.A. § 4-301 (4)j § 6-104

PURPOSE: Engage in joint rulemaking, as appropriate, with the Bureau of Financial Institutions to amend the rule which prohibits dual coverage of insurance on items related to credit transactions. The rule may also be amended to facilitate the offering of various insurance products.

ANTICIPATED SCHEDULE: Prior to October, 2008

AFFECTED PARTIES: Consumers, non-bank lenders, general creditors, and other regulated entities.

CONSENSUS-BASED RULEMAKING: The agency does not plan to employ consensus-based rule development in formulating its planned rule changes.

CHAPTER 150

TITLE: Authorization of Rate Tables to Determine Unearned Finance Charge

STATUTORY AUTHORITY: 9-A M.R.S.A. § 2-510(3)

PURPOSE: Engage in joint rulemaking, as appropriate, with the Bureau of Financial Institutions to amend the rule establishing rate tables to assist creditors in determining appropriate refunds if consumers payoff precomputed credit contracts prior to the scheduled termination date. The agencies may amend the regulation to make it applicable to a wider range of cases in which consumers make large partial prepayments in precomputed credit transactions.

ANTICIPATED SCHEDULE: Prior to October, 2008

AFFECTED PARTIES: Consumers, non-bank lenders, general creditors, and other regulated entities.

CONSENSUS-BASED RULEMAKING: The agency does not plan to employ consensus-based rule development in formulating its planned rule changes.

CHAPTER 190

TITLE: Enforcement Policy Guidelines

STATUTORY AUTHORITY: 9-A M.R.S.A. § 8-108(3)

PURPOSE: Engage in joint rulemaking, as appropriate, with the Bureau of Financial Institutions to amend the rule that sets forth the procedures to be followed when violations of the Maine Consumer Credit Code or related laws are established following an examination, or in response to consumer complaints. The agencies follow general guidelines and tolerances promulgated and established by various federal regulatory agencies, and as those federal standards change the agencies may amend the rule to conform to the new standards.

ANTICIPATED SCHEDULE: Prior to October, 2008

AFFECTED PARTIES: Consumers, non-bank lenders, general creditors, and other regulated entities.

CONSENSUS-BASED RULEMAKING: The agency does not plan to employ consensus-based rule development in formulating its planned rule changes.

CHAPTER 240

TITLE: Truth in Lending, Regulation Z-2

STATUTORY AUTHORITY: 9-A M.R.S.A. § 6-104, § 8-104, § 8-108

PURPOSE: Engage in joint rulemaking, as appropriate, with the Bureau of Financial Institutions to amend Rule 240, which incorporates federal Regulation Z, "Truth-in-Lending," into state law. The rule may be amended to reflect changes in parallel federal regulations.

ANTICIPATED SCHEDULE: Prior to October, 2008

AFFECTED PARTIES: Consumers, non-bank lenders, general creditors, and other regulated entities,

CONSENSUS-BASED RULEMAKING: The agency does not plan to employ consensus-based rule development in formulating its planned rule changes.

CHAPTER 245

TITLE: Student Loan Disclosures

STATUTORY AUTHORITY: 9-A M.R.S.A. § 8-104(1); Title 10 M.R.S.A. § 363(8)(A)

PURPOSE: This joint rule establishes disclosure and procedural requirements regarding the terms and conditions for student loan products offered by lenders and issuers and funded by an allocation of the state's bond ceiling. It may be amended as needed.

ANTICIPATED SCHEDULE: Prior to October, 2008 if necessary,

AFFECTED PARTIES: All lenders and issuers of student loan products that are funded under an allocation of the state's bond ceiling, and consumers borrowing under those programs.

CONSENSUS-BASED RULEMAKING: The agency does not plan to employ consensus-based rule development in formulating its planned rule changes.

CHAPTER 250

TITLE: Alternative Mortgage Transactions

STATUTORY AUTHORITY: 9-A M.R.S.A. § 9-302

PURPOSE: Engage in joint rulemaking, as appropriate, with the Bureau of Financial Institutions to amend Rule 250, which governs alternative mortgage transactions, which include adjustable rate and partially-amortizing mortgage loans,

ANTICIPATED SCHEDULE: Prior to October, 2008

AFFECTED PARTIES: Consumers, non-bank lenders, general creditors, and other regulated entities,

CONSENSUS-BASED RULEMAKING: The agency does not plan to employ consensus-based rule development in formulating its planned rule changes,

CHAPTER 270

TITLE: Adjustment of Consumer Credit Code Volume Fees

STATUTORY AUTHORITY: 9-A M.R.S.A. § 6-203

PURPOSE: The agency may amend the rule as necessary to implement Title 9-A, M.R.S.A. § 6-203, sub-§ 3-C (2004) which permits adjustment of creditor and lender volume fees pursuant to the Consumer Credit Code,

ANTICIPATED SCHEDULE: September, 2006 and September, 2008, as necessary

AFFECTED PARTIES: Consumers, creditors and supervised lenders.

CONSENSUS-BASED RULEMAKING: The agency does not plan to employ consensus-based rule development in formulating its planned rule changes,

CHAPTER 300

TITLE: Collection Agencies - Application and Record Keeping Requirements

STATUTORY AUTHORITY: 32 M.R.S.A. § 11034

PURPOSE: This rule sets forth requirements for those individuals and companies that wish to collect debts or repossess vehicles in Maine. The agency may amend the rule as necessary.

ANTICIPATED SCHEDULE: Prior to October, 2008

AFFECTED PARTIES: Applicants for licensure to collect debts or repossess collateral.

CONSENSUS-BASED RULEMAKING: The agency does not plan to employ consensus-based rule development in formulating its planned rule changes.

CHAPTER 350

TITLE: Credit Services Organization

STATUTORY AUTHORITY: 9-A M.R.S.A. § 10-305

PURPOSE: Chapter 350 clarifies Article X of the Maine Consumer Credit Code, which regulates the activities of the Credit Services Organizations (loan brokers). The agency may propose amendments to the rule to address issues that may be encountered.

ANTICIPATED SCHEDULE: Prior to October, 2008

AFFECTED PARTIES: Loan brokers and credit clinics, and their customers.

CONSENSUS-BASED RULEMAKING: The agency does not plan to employ consensus-based rule development in formulating its planned rule changes.

CHAPTER 400

TITLE: Sale of Insurance Products by Financial Institutions and Supervised Lenders.

STATUTORY AUTHORITY: 9-A M.R.S.A. § 4-407

PURPOSE: This regulation, issued jointly by the Office of Consumer Credit Regulation, the Bureau of Financial Institutions and the Bureau of Insurance, addresses issues regarding sales of insurance products by financial institutions. Amendments may be proposed as necessary,

ANTICIPATED SCHEDULE: Reviewed prior to December, 2008

AFFECTED PARTIES: Insurers, financial institutions, supervised lenders, and consumers.

CONSENSUS-BASED RULEMAKING: The agency does not plan to employ consensus-based rule development in formulating its planned rule changes.

CHAPTER 500 (NEW RULE)

TITLE: Continuing Education Requirements for Individuals Registered as Loan Officers, or Licensed Supervised Lenders or Loan Brokers

STATUTORY AUTHORITY: 9-A MRSA § 2-302, sub-§7 and 9-A MRSA, §10-101 - 10-401(5)

PURPOSE: The agency may adopt rules as necessary to implement 9-A MRSA, § 2-302, sub-§7 "Supervised Lenders," and 9-A MRSA, §10-101 - 10-401(5), "Loan Broker," including educational requirements.

ANTICIPATED SCHEDULE: January, 2008

AFFECTED PARTIES: Supervised lender's loan officers, supervised lenders, and loan brokers, and loan broker companies

CONSENSUS-BASED RULEMAKING: The agency does not plan to employ consensus-based rule development in formulating its planned rule changes.

CHAPTER (NEW RULE)

TITLE: Money Order Issuers/Money Transmitters/Check Cashers/Foreign Currency Exchangers

STATUTORY AUTHORITY: 32 M.R.S.A. § 6125; § 6144

PURPOSE: The agency may adopt rules as necessary to implement statutory provisions applicable to those financial services companies.

ANTICIPATED SCHEDULE: Prior to October, 2008

AFFECTED PARTIES: Regulated companies; consumers.

CONSENSUS-BASED RULEMAKING: The agency does not plan to employ consensus-based rule development in formulating its planned rule changes.

CHAPTER (NEW RULE)
TITLE: Non-Bank Cash-Dispensing Machines
STATUTORY AUTHORITY: 32 M.R.S.A. § 6159
PURPOSE: The agency may adopt rules as necessary to implement Title 32, Chapter 229, Subchapter III, "Cash-Dispensing Machines Established by Non-banks."
ANTICIPATED SCHEDULE: October, 2008
AFFECTED PARTIES: Consumers; owners and operators of non-bank ATMs.
CONSENSUS-BASED RULEMAKING: The agency does not plan to employ consensus-based rule development in formulating its planned rule changes.

CHAPTER (NEW RULE)
TITLE: Consumer Credit Transactions: Permissible Additional Charges
STATUTORY AUTHORITY: 9-A M.R.S.A. §2-501
PURPOSE: Engage in joint rulemaking, as appropriate, with the Bureau of Financial Institutions to promulgate a rule addressing permissible charges for benefits conferred upon the consumer.
ANTICIPATED SCHEDULE: Prior to October, 2008
AFFECTED PARTIES: Maine credit consumers, financial institutions, non-bank lenders, and general creditors,

CHAPTER (NEW RULE)
TITLE: Nonprofit Debt Management Services
STATUTORY AUTHORITY: 32 MRSA § 6178(2)
PURPOSE: The agency may adopt rules as necessary to implement Title 32, Chapter 80-A, "Nonprofit Debt Management Services."
ANTICIPATED SCHEDULE: October, 2008
AFFECTED PARTIES: Consumers; debt management service providers
CONSENSUS-BASED RULEMAKING: The agency does not plan to employ consensus-based rule development in formulating its planned rule changes.

CHAPTER (NEW RULE)
TITLE: Payroll Processors
STATUTORY AUTHORITY: 10 MRS A § 1495- F (7)
PURPOSE: The agency may adopt rules as necessary to implement 10 MRSA, Chapter 222, "Payroll processors,"
ANTICIPATED SCHEDULE: October, 2008
AFFECTED PARTIES: Employers; payroll processors
CONSENSUS-BASED RULEMAKING: The agency does not plan to employ consensus-based rule development in formulating its planned rule changes.

CHAPTER (NEW RULE)
TITLE: Wage Garnishment
STATUTORY AUTHORITY: 9-A MRSA § 5-105, sub-§2
PURPOSE: The agency may adopt rules as necessary to implement 9-A MRSA § 5-105, sub-§2 "Limitation on garnishment."
ANTICIPATED SCHEDULE: January, 2008
AFFECTED PARTIES:
CONSENSUS-BASED RULEMAKING: The agency does not plan to employ consensus-based rule development in formulating its planned rule changes.

CHAPTER (NEW RULE)
TITLE: Volume Fees - Adjusted due to reduced level of fund balance
STATUTORY AUTHORITY: 9-A MRSA § 6-203, sub-3-B & 3-C
PURPOSE: The agency may adopt rules as necessary to implement 9-A MRSA, § 6-203, sub-§ 3-B & 3-C, "Fees."
ANTICIPATED SCHEDULE: January, 2008 (if necessary)
AFFECTED PARTIES: Supervised lenders
CONSENSUS-BASED RULEMAKING: The agency does not plan to employ consensus-based rule development in formulating its planned rule changes.

CHAPTER (NEW RULE)

TITLE: Volume Fees: To promote funding for investigative and legal compliance personnel

STATUTORY AUTHORITY: 9-A MRSA § 6-203, sub-3-C and § 8-206-F, sub-§ 2

PURPOSE: The agency may adopt rules as necessary to implement 9-A MRSA, § 6-203, sub-3-C and § 8-206-F, sub-2, which specifically permits adjustment of fees to fund investigative and legal compliance personnel.

ANTICIPATED SCHEDULE: January, 2008

AFFECTED PARTIES: Supervised lenders,

CONSENSUS-BASED RULEMAKING: The agency does not plan to employ consensus-based rule development in formulating its planned rule changes.

Bureau of Consumer Credit Protection
Reports, Applications and other Paperwork

| | List of reports, applications and other paperwork required to be filed with the agency by the public. | Statutory requirement for each filing requirement | Date each filing requirement was adopted | Frequency of filings required. | Number of filings received annually for last 2 years and number anticipated for next 2 years | Actions taken or contemplated to reduce filing requirements |
|--------------------|---|---|--|---|--|--|
| Supervised Lenders | Application, Bond, Financial Statement, Choice of attorney form, Articles of Incorporation or association and By-laws, Resumes of top three principal officers and a Credit Denial form | 9-A §§2-302, 9-201 | 1-1-1975 | 2 Year Renewals | 1,781 for the past two years. | |
| Debt Collectors | Applications, Bond, Financial Statement, Fingerprint card, Specimen form letters, Charter and By-laws, proof of filing with the Maine Secretary of State if they are a foreign corporation, Power of Attorney form. Resume of the applicant, a Statement of describing the nature of the proposed operations and copies of collection form letters. | 32 MRSA § 1103 I | 7-1-1978 | 2 Year Renewals | 829 for two years. | Allow continuous bonds |
| Loan Officers | On-line Registration | 9-A MRSA §2-302(5-A) (Supervised Lenders) § 10-201 (Loan Brokers) | 1-1-2005 | One-time registration; updated only if employer changes or terminates | 15,388 | Internet only registration process minimizes staff time required. |
| Loan Brokers | Application, Bond, a sample copy of a signed written agreement, written disclosures, list of creditors they represent and resumes of new Principal Officers, and proof of filing with the Maine Secretary of State if they are a foreign corporation. | 10 MRSA §10-201 | 4-28-1989 | 2 Year Renewals | 710 for past two years. | As of January 2007, loan brokers now have a 2 year license instead of 1 year. Also we have received approval for surety bonds to be continuous. In the past all bonds had a fixed expiration date, and at renewal time the brokers had to send in a bond confirmation form or bond rider |

| | List of reports, applications and other paperwork required to be filed with the agency by the public. | Statutory requirement for each filing requirement | Date each filing requirement was adopted | Frequency of filings required. | Number of filings received annually for last 2 years and number anticipated for next 2 years | Actions taken or contemplated to reduce filing requirements |
|-----------------------------------|--|---|--|--------------------------------|---|---|
| Credit Reporting Agencies | Application and copy of Consumer Disclosure forms. | 10 MRSA § 1328(G) | 1991 | Annual Renewal | 30 for past two years. | |
| Money Transmitters | Application, bond and Financial Statement, Proof of registration with FinCEN, a sample authorized delegate contract, a sample payment instrument, certificate of good standing from the State of incorporation, and copies of all SEC filings within the past year if applicable. | 32 MRSA § 6103 | 1-31-2000 | Annual Renewal | 34 for past two years. | |
| Check Cashers | Application, Financial Statement, Resume of applicant and a list of fees char 00. | 32 MRSA § 6133 | 1-31-2000 | Annual Renewal | 2 for past two years. | |
| Debt Management Service Providers | Application, Bond, Sample Contract, Proof of foreign corporation filing with SOS, Schedule of Fees, Counselor Certification, Sample of the companies consumer education program and a Sample of Periodic written report issued to consumers and a sample copy of a written contract to be used by the company. | 32 MRSA § 6173 | 3-15-2000 | Annual Renewal | 39 for past two years. Anticipated: this should increase due to new law allowing for-profits to license with us. | |
| Payroll Processors | Application, bond, copy of charter and by-laws, proof of filing with the Maine Secretary of State if they are a foreign corporation or LLC, and a sample of the periodic report | 10 MRSA § 1495(0) | 1-31-2005 | Annual Renewal | 127 for two years. | |
| Non-bank ATM's | Application | 32 MRSA § 6153 | 1-31-2000 | Annual Renewal | 1,030 for two years | |

| | List of reports, applications and other paperwork required to be filed with the agency by the public. | Statutory requirement for each filing requirement | Date that filing requirement was adopted | Frequency of filings required. | Number of filings received annually for last 2 years and number anticipated for next 2 years | Actions taken or contemplated to reduce filing requirement |
|-------------------------------|---|---|--|--------------------------------|--|--|
| Payday Lenders | Application, Bond, Financial Statement, choice of attorney form, Articles of Incorporation or association and By-laws, Resumes of top three principal officers and a Credit Denial form | 9-A MRSA §2-302 | 8-23-2006 | 2 Year Renewal | 11 for the past two years. | |
| Mobile Home Dealers | Application | 9-A MRSA §6-201 | 7-1-1986 | Annual Renewal | 17 for the past two years. | |
| General Creditors | Application | 9-A MRSA §6-201 | 1-1-1975 | Annual Renewal | 364 for past two years. | |
| New Car Dealers | Application | 9-A MRSA §6-201 | 1-1-1975 | Annual Renewal | 152 for past two years. | |
| Used Car Dealers | Application | 9-A MRSA §6-201 | 1-1-1975 | Annual Renewal | 248 for past two years. | |
| Sales Finance Companies | Application | 9-A MRSA §6-201 | 1-1-1975 | Annual Renewal | 169 for past two years. | |
| Rent To Own Companies | Application | 9-A MRSA §II-IOI <i>et seq.</i> | 9-21-01 | Annual Renewal | 54 for past two years. | |
| Loan Servicers | Application | 9-A MRSA §6-201 | 9-17-2005 | Annual Renewal | 120 for past two years. | |
| Pawn Brokers | Application | 9-A MRSA §2-302 | 10-13-1993 | Annual Renewal | 53 for past two years. | |
| Repossession Companies | Application, Bond, Fingerprint Card, Financial Statement, Power of Attorney form, sample of a written contract and Resume of applicant. | 32 MRSA §11031 | 7-1-1978 | 2 Year Renewal | 34 for the past two years. | |
| Consumer Arbitration Provider | Registration and Annual Report | 10 MRSA §1391 <i>et seq.</i> | 1-1-2008 | Annual Renewal | N/A | |
| Litigation Funding Companies | Application, Bond and Financial Statement | 9-A MRSA §12-101 <i>et seq.</i> | 1-1-2008 | 2 Year Renewal | N/A | |

TOTALS:

21,192

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

BURBA U OF INSURANCE

ATTACHMENTD

| | |
|-----------------------|----------|
| ORGANIZATIONAL CHART: | PAGE 92 |
| FINANCIAL SUMMARY: | PAGE 93 |
| REGULATORY AGENDA: | PAGE 94 |
| LIST OF REPORTS: | PAGE 100 |

Dept. of Professional
and Financial Regulation
Bureau of Insurance

BUREAU OF INSURANCE
(83 Position* - 80.5 FTE)
Eric Cioppa (Acting)
Superintendent Bureau of Insurance

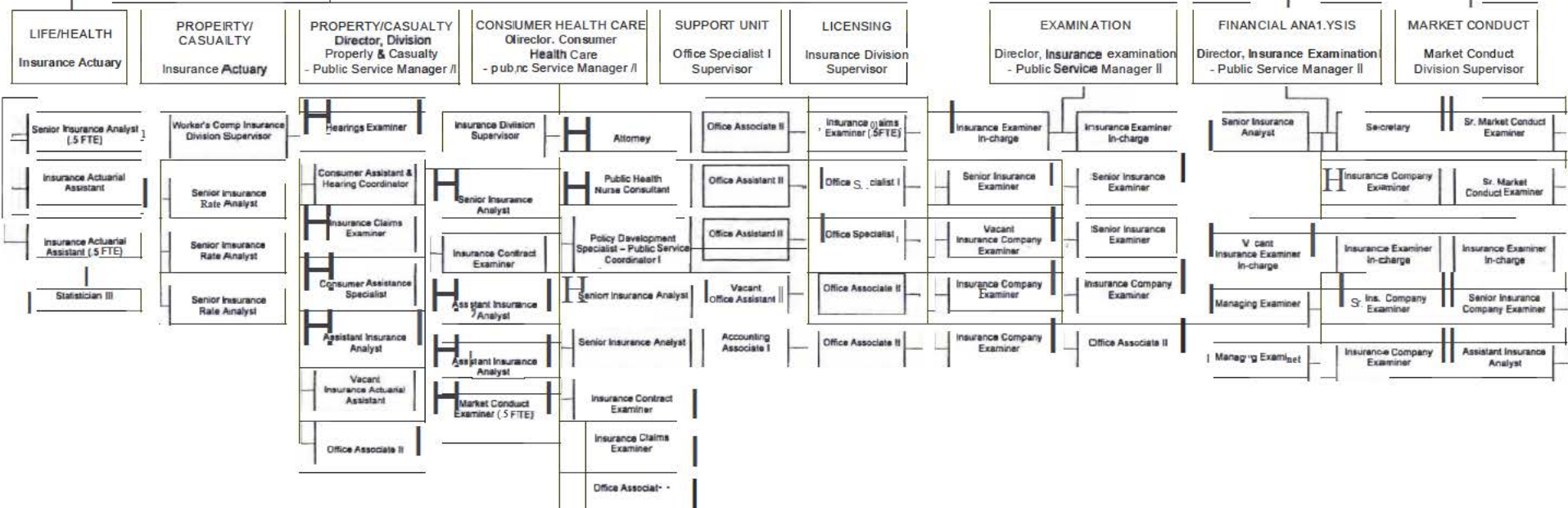
Senior Staff Attorney: Secretary Associate
Secretary Associate

CONSUMER DIVISION
Deputy Superintendent -
Public Service Manager II

FINANCIAL DIVISION
Eric Cioppa
Deputy Superintendent -
Public Service Manager II

Attorney (.5 FTE) Attorney
Consumer Outreach Specialist

Robert Wake Attorney Arthur Hosford Attorney



PROGRAM: Bureau of Insurance (0092)
 FUNDING SOURCE: Dedicated Revenue

| FISCAL YEAR: | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|--|-----------|------------|------------|-----------|------------|-----------|------------|------------|------------|-----------|
| BUDGETED GENERAL FUND REVENUE- 01002A009201 | | 480,000 | 490,000 | 105,000 | 415,372 | 193,000 | 1,392,120 | 225,422 | 226,380 | 267,361 |
| GENERAL FUND REVENUE COLLECTED- 01002A009201 | 550,665 | 354,933 | 211,012 | 710,713 | 153,786 | 94,091 | 1,505,678 | 734,098 | 137,640 | 152,786 |
| BUDGETED OTHER SPECIAL REVENUE | | | | | | | | | | |
| 01402A009201 | 4,501,140 | 6,985,169 | 4,454,000 | 2,749,000 | 7,384,000 | 3,206,500 | 11,335,630 | 10,242,837 | 12,461,601 | 9,778,917 |
| 01402A009202 - ASSESSMENT | 2,192,249 | 3,934,426 | 2,333,277 | 4,044,340 | 2,675,000 | 2,575,000 | | | | |
| TOTAL | 6,693,389 | 10,919,595 | 6,787,277 | 6,793,340 | 10,059,000 | 5,781,500 | 11,335,630 | 10,242,837 | 12,461,609 | 9,778,917 |
| OTHER SPECIAL REVENUE COLLECTED | | | | | | | | | | |
| 01402A009201 | 5,882,453 | 3,509,990 | 8,532,635 | 6,779,983 | 11,148,797 | 7,472,357 | 11,322,950 | 7,619,582 | 17,022,390 | 7,337,636 |
| 01402A009202 - ASSESSMENT | 2,730,050 | 538,741 | 1,944,600 | 540,624 | | | | | | |
| TOTAL | 8,612,502 | 4,048,731 | 10,477,235 | 7,320,606 | 11,148,797 | 7,472,357 | 11,322,950 | 7,619,582 | 17,022,390 | 7,337,636 |
| ALLOCATED | | | | | | | | | | |
| PERSONAL SERVICES | 3,618,170 | 3,931,685 | 3,825,361 | 3,945,562 | 4,577,379 | 4,738,338 | 5,303,760 | 5,473,943 | 5,640,347 | 5,798,527 |
| ALL OTHER | 2,323,475 | 2,133,894 | 2,118,994 | 2,193,133 | 2,248,372 | 2,270,382 | 2,854,355 | 2,890,832 | 3,056,484 | 3,144,505 |
| CAPITAL EXPENDITURES | 6,000 | 9,000 | | | | | | | | |
| TOTAL | 5,947,645 | 6,074,579 | 5,944,355 | 6,138,695 | 6,825,751 | 7,008,720 | 8,158,115 | 8,364,775 | 8,696,831 | 8,943,032 |
| EXPENDED | | | | | | | | | | |
| PERSONAL SERVICES | 3,241,318 | 3,242,864 | 3,641,748 | 3,994,286 | 4,323,337 | 4,588,029 | 4,902,487 | 5,069,545 | 5,283,533 | 5,640,316 |
| ALL OTHER | 1,448,190 | 1,344,001 | 2,286,424 | 2,538,712 | 1,517,498 | 1,359,010 | 1,917,973 | 1,903,174 | 1,168,557 | 1,697,538 |
| CAPITAL EXPENDITURES | | 4,312 | | | | | | | | |
| TOTAL | 4,690,221 | 4,591,177 | 5,928,172 | 6,532,998 | 5,840,835 | 5,947,038 | 6,820,460 | 6,972,719 | 6,452,090 | 7,337,854 |
| BUDGETED DICAP TRANSFER | 792,972 | 1,192,378 | 931,222 | 801,195 | 1,122,412 | 1,298,558 | 1,713,193 | 1,728,448 | 1,396,928 | 1,402,622 |
| DICAP TRANSFERRED | 875,767 | 1,079,155 | 887,349 | 757,864 | 1,107,338 | 1,473,520 | 1,413,592 | 908,728 | 2,524,691 | 1,289,692 |
| TRANSFERS TO THE GENERAL FUND | | | | | 2,657,138 | 610,670 | 308,190 | 224,002 | 7,083,981 | 3,093,574 |

MAINE BUREAU OF INSURANCE
RULEMAKING AGENDA
August 2007

AGENCY UMBRELLA UNIT NUMBER: 02-031

AGENCY NAME: Department of Professional and Financial Regulation, Bureau of Insurance

CONTACT PERSON: Thomas M. Record, Esq., Senior Staff Attorney, 34 State House Station, Augusta, ME 04333-0034. Tel: (207) 624-8424

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

CONSENSUS-BASED RULE DEVELOPMENT: A consensus-based rule development within the meaning of 1999 P.L. c. 307 is being used in formulating proposed amendments to Rule Chapter 850, Health Plan Accountability.

EXPECTED 2007-2008 RULEMAKING ACTIVITY:

Workers' Compensation Insurance

Amendments to Chapter 250: Workers' Compensation Self-Insurance

STATUTORY AUTHORITY: 24-A M.R.S.A. §212 and 39-A M.R.S.A. §403

PURPOSE: to amend current rule to reflect a recent statutory change relating to the working capital offset provision for security calculations and other changes necessary to reflect current business practices.

ANTICIPATED SCHEDULE: Fall 2007

AFFECTED PARTIES: workers' compensation self-insurers

Amendments to or Repeal and Replacement of Chapter 560: Workers' Compensation Insurance - Employee Leasing

STATUTORY AUTHORITY: 24-A M.R.S.A. §§212, 2178, 2364, 2366; 32 M.R.S.A. §14055

PURPOSE: to implement revisions to the NAIC Model Rule on workers' compensation insurance provided with respect to employee leasing arrangements

ANTICIPATED SCHEDULE: Late 2007

AFFECTED PARTIES: workers' compensation insurers, professional employee organizations

Property and Casualty Insurance

None

Health Insurance

Amendments to Chapter 420: Nursing Home Care Insurance and Long Term Care Insurance

STATUTORY AUTHORITY: 24-A M.R.S.A. §§ 212, 5052, 5053 and 5078

PURPOSE: to make amendments necessary to accommodate federal standards regarding long term care partnerships and to facilitate rate stability

ANTICIPATED SCHEDULE: pending

AFFECTED PARTIES: long term care insurers and customers

Amendments to Chapter 425: Long Tenn Care Insurance

STATUTORY AUTHORITY: 24 M.R.S.A. §§ 2316 and 2321 and by 24-A M.R.S.A. §§ 212, 2412,2413,2414,2736,5071,5072,5073,5074,5075,5077; 5078 and 5080

PURPOSE: to make amendments necessary to accommodate federal standards regarding long term care partnerships

ANTICIPATED SCHEDULE: pending

AFFECTED PARTIES: long term care insurers and customers

Amendments to Chapter 490: Acquired Immune Deficiency Syndrome and Medical and Lifestyle Standards

STATUTORY AUTHORITY: 5 M.R.S.A. Section 19203-A, 24 M.R.S.A. Section 2316, 24-A M.R.S.A. Section 212, 24-A M.R.S.A. Section 2151-B, 24-A M.R.S.A. Section 2152, 24-A M.R.S.A. Section 2159, and 24-A M.R.S.A. Section 2412

PURPOSE: to update current rule to reflect 2007 PL c. 93

ANTICIPATED SCHEDULE: Summer-Fall 2007

AFFECTED PARTIES: life and health insurers and applicants for coverage

Amendments to Chapter 600: Screening Mammography

STATUTORY AUTHORITY: 24 M.R.S.A. § 2320-A and 24-A M.R.S.A. §§ 212, 2745-A, 2837-A, and § 4237-A

PURPOSE: to update current rule to reflect 2007 PL c. 153

ANTICIPATED SCHEDULE: Summer 2007

AFFECTED PARTIES: health insurers, HMOs and their female customers

Amendments to Rule Chapter 750: Standardized Health Plans

STATUTORY AUTHORITY: 24 M.R.S.A. Chapter 19, and 24-A M.R.S.A. §§ 212,2736-C(6)(F), 2736-C(8), 4222-A, and 4222-B

PURPOSE: to redesign standards for HMO plans in order to increase plan viability

ANTICIPATED SCHEDULE: Summer-Fall 2007

AFFECTED PARTIES: HMOs

Amendments to Rule Chapter 850: Health Plan Accountability

STATUTORY AUTHORITY: 24-A M.R.S.A. §§ 2772, 2774, 4218, 4222-A, 4303 and 4309

PURPOSE: to implement the results of the consensus-based process conducted to consider proposed alterations to the Access to Services section (Sec. 7) of the current Rule

ANTICIPATED SCHEDULE: pending

AFFECTED PARTIES: health insurers, HMOs, health insurance policyholders and covered persons

Amendments to Rule Chapter 945: Annual Report Supplement for Health Insurers

STATUTORY AUTHORITY: 24-A M.R.S.A. §§212 and 423-0

PURPOSE: to amend the rule to allow data-collection regarding how many newly insured enrolled individuals and groups were previously uninsured for the previous 90 days

ANTICIPATED SCHEDULE: Late 2007

AFFECTED PARTIES: health insurers, HMOs

Life Insurance

Amendments to Chapter 340: Mortality Tables for Use in Determining Minimum Reserves and Nonforfeiture Benefits

STATUTORY AUTHORITY: 24-A M.R.S.A. §§212, 953 and 2532-A

PURPOSE: to provide specific reserve standards applicable to credit life insurance as provided for by NAIC Model Regulation

ANTICIPATED SCHEDULE: Summer-fall 2007

AFFECTED PARTIES: credit life insurers

New Rule: Annuity Nonforfeiture

STATUTORY AUTHORITY: 24-A M.R.S.A. §§212 and 2544

PURPOSE: to adopt nationally uniform standards relating to minimum nonforfeiture values in individual **deferred annuities**

ANTICIPATED SCHEDULE: Summer 2007

AFFECTED PARTIES: life insurers

New Rule: Military Life Insurance Sales

STATUTORY AUTHORITY: 24-A M.R.S.A. §§212 and 2151-B

PURPOSE: to protect armed services personnel from inappropriate life insurance sales practices consistent with NAIC and federal initiatives

ANTICIPATED SCHEDULE: Summer 2007

AFFECTED PARTIES: life insurers and producers who solicit coverage on military installations and to active duty military personnel

New Rule: Life Insurance; Notice of Cancellation

STATUTORY AUTHORITY: 24-A M.R.S.A. §§212 and 2556

PURPOSE: to implement the provisions of 2007 PL c. 40 which relates to notices of cancellation of individual life insurance policies

ANTICIPATED SCHEDULE: Winter 2007-08

AFFECTED PARTIES: life insurers and their individual policyholders

Miscellaneous

Amendments to Chapter 160: Eligible Surplus Lines Insurers

STATUTORY AUTHORITY: 24-A M.R.S.A. §212 and Chapter 19

PURPOSE: to update process for applying for surplus lines authority

ANTICIPATED SCHEDULE: Summer 2008

AFFECTED PARTIES: surplus lines insurers

Amendments to Chapter 630: Rural Medical Access Program

STATUTORY AUTHORITY: 24-A M.R.S.A. §§212, 229(1) and 6311

PURPOSE: to reflect statutory changes enacted by 2005 PL c. 122

ANTICIPATED SCHEDULE: Fall 2007

AFFECTED PARTIES: physicians, Medical Mutual Insurance Company

Amendments to Chapter 740: Credit for Reinsurance

STATUTORY AUTHORITY: 24-A M.R.S.A. §731-B

PURPOSE: to modernize and conform to NAIC initiatives

ANTICIPATED SCHEDULE: Late 2007

AFFECTED PARTIES: insurers

Rulemaking Activity 1997- Nov. 2007
Maine Bureau of Insurance

Rules Adopted or Amended since Jan. 1, 1997

- Ch. 130 Minimum Reserve Standards for Individual and Group Health Insurance Contracts, eff. Dec. 31, 1991, amd Dec. 24, 2006
- Ch. 220 Credit Life and Health Insurance. Rule as previously amd eff 1987,2006 amd eff. Oct. 1, 2006
- Ch. 230 Certificates of Authority for Insurance Companies, repealed Sept. 1, 2005
- Ch. 231 Certificates of Authority for Insurance Companies, eff. Aug. 9, 2005
- Ch. 235 Annual Audited Financial Reports, eff. Jan. 1,2005
- Ch. 240 Life Insurance Solicitation and Cost Disclosure Regulation, eff. Oct. 1, 1980, amd eff Sept. 16, 1999
- Ch.275 Medicare Supplement Insurance, eff. Jan. 1,1992, Amd Feb12, 1994, Jun 11, 1996, Jan. 14,1997, Apr. 28,1999, Aug. 9,2000, Nov. 8,2000, Dec. 14,2003, Aug 27, 2005
- Ch. 320 Minimum Standards for Alcoholism and Drug Dependency Benefits, eff. Jun 1, 1984, amd Jul 15, 1993, amd Mar 1, 2004
- Ch. 330 Minimum Standards for Mental Illness Benefits, eff Jun 1, 1984, amd July 15, 1993, Jul 9, 1996, Dec. 1, 1997, Aug 20,2001, Mar 1,2004
- Ch.340 Mortality Tables for Determining Minimum Reserves and Nonforfeiture Benefits, eff. Jun 17, 1984, amd, Dec. 13, 1999, Mar 27,2004, further amendments pending
- Ch.355 Rules of Practice and Procedure Governing Adjudicatory Proceedings Held under the Maine Property And Automobile Insurance Cancellation Control Acts, eff. Aug 5,2006
- Ch. 360 Requirements Applicable to Preferred Provider Arrangements, eff. Jun 1, 1987, amd, Sept. 4, 1990, Sept. 15, 2002
- Ch.390 Motor Vehicle Insurance Identification Cards, eff. Oct. 22, 1987, amd Feb 25, 1998
- Ch. 420 Nursing Home Care Insurance and Long-Term Care Insurance, prior rule repealed and replaced Oct. 1, 2004, amendments pending
- Ch.425 Long-Term Care Insurance, eff. Jul1, 2004, amendments pending

- Ch.450 Workers' Compensation Insurance - Experience Rating, eff. Mar 21, 1988, amd Mar 26,2007
- Ch.490 Acquired Immune Deficiency Syndrome and Medical and Lifestyle Standards Rule, eff. May 1,1989, amd Jun 1, 1998, amendments pending
- Ch.530 Provisional Medical or Disability Payments to Workers' Compensation Claimants, eff. Jun 27,1990, amd, Jun, 2002, lu131, 2005
- Ch. 541 Educational Requirements for Insurance Professionals, eff. Mar. 5, 1999, repealed and replaced by Ch. 542, Jan 1,2007
- Ch. 542 Educational Requirements for Insurance Professionals, eff Jan 1, 2007
- Ch. 545 Appointment Renewal Fees - Nonresident Individual Producers and Business Entities, eff. Feb 28,2007
- Ch.550 Calculation of Premium for Interstate Workers' Compensation Insurance Risks and Rate Filing Requirements, eff. May 14, 1990, amd Feb 25, 1998
- Ch. 600 Screening Mammograms, eff. Aug 1, 1991, Amd Jan 1, 1999, further amds pending
- Ch. 700 Workers' Compensation Apportionment Arbitration, Repealed eff. Mar 19,2002
- Ch. 750 Standardized Health Plans, eff. Jun 29, 1993, amd Oct 4, 1993, Jun 29, 1984, Jan 18, 1995, Oct., 26,1998, Mar 10,2001, Aug 28, 2001, Jun 6,2002, Jul 28, 2005
- Ch. 755 Health Insurance Classifications, Disclosure, and Minimum Standards, eff Jun 11, 2004
- Ch. 780 Actuarial Opinion and Memorandum, eff. 1995, amd Dec. 24, 2006
- Ch. 790 Procedures for Resolving Coordination of Benefits Disputes, eff. Jun 29, 2004
- Ch. 825 Procedures and Standards for Obtaining a Hardship Exemption from Submitting Electronic Health Claims, eff. Sept 13, 2005
- Ch. 830 Valuation of Life Insurance Policies, eff. Jan. 1, 2000
- Ch. 840 Private Purchasing Alliances, eff. Jun 4, 1997, amd July 4, 2003
- Ch. 845 Standards for Minimum Interest Payments to Health Care Providers on Overdue Claims, eff May 16, 2006
- Ch.850 Health Plan Accountability, eff Feb. 9,1991, amd Oct. 25, 1997, Mar 19,2002, Jan. 3, 2004, June 9,2004, further amendments pending
- Ch. 860 Alien Insurers; Port of Entry, eff. Nov. 5, 1997

Ch. 870 Health Care Practitioner Self-Referrals, eff. Oct. 22, 1998
Ch. 880 Sale of Insurance Products by Financial Institutions and Supervised Lenders
(*Chapter 880 is a Joint Rule with 02-029 Ch.139 and 02-030 Ch.400*), effNov 26, 1997

Ch. 890 Consumer Complaint Ratios, effJun 21, 1998

Ch. 900 Large Commercial Risks, eft: Sept. 18, 1998

Ch. 910 Life Insurance Illustrations, eff. Sept. 16, 1999

Ch. 915 Annuity Disclosure, eff Apr I, 2004

Ch; 917 Suitability in Annuity Transactions, eff Jul 1,2007

Ch. 919 Life Insurance and Annuities Replacement, eff. Jan I, 2007

Ch. 920 Reporting of Fraudulent Insurance Acts, eff. Feb. 23, 1999

Ch. 931 Viatical and Life Settlements, eff. July 19, 2006

Ch. 940 Requirements for Health Insurance Rate Filings and Data Reporting, Mar 1,
2000, amd Feb 26, 2002, May 3,2004, Mar. 12,2006

Ch.945 Annual Report Supplement for Health Insurers, eff. Feb 13,2005, further
amendments pending

Ch. 980 Standards for Safeguarding Customer Infonation, eff Oct 11, 2004

Proposed New Rules Pending as of Oct. 31, 2007

Ch. 245 Military Life Insurance and Annuity Sales Practices

Ch. 585 Life Insurance Third-Party Notice of Cancellation

Bureau of Insurance, List of Reports requires; to be filed by the public:

| Filings | Type of Company | How Often | Statutory Reference | Paper or Electronic | Number 2005 | Number 2006 |
|---|--|-------------------------|-------------------------------------|----------------------------|--------------------|--------------------|
| Annual statement <i>wi</i> exhibits | Domestic insurers, HMOs | Annual | 24-A M.R.S. sec. 423 | Paper | 35 | 35 |
| Quarterly financial statement <i>wi</i> exhibits | Domestic insurers, HMOs | Quarterly | 24-A M.R.S. sec. 423A | Paper | 105 | 105 |
| Audited Financial Statements | Domestic insurers, HMOs | Annual | 24-A M.R.S. sec. 22.1-A | Paper | 28 | 28 |
| Audited Financial Statements | Alien SurplUs lines | Annual | 24-A M.R.S. sec. 221-A | Paper | 14 | 14 |
| Downstream Risk Arrangement Disclosure | Health InsUlrrers | Annual | 24-A M.R.S. sec. 43.36(B)(2) | Paper | 2 | 2 |
| Maine Fraud and Abuse Report | Insurers | Annual | 24-A M.R.S. sec. 21 86(4) | Either | 1188 | 1140 |
| Life, Health & Annuity Guaranty Assessment | | | | | | |
| Base Recon Exhibit | Life & Health Insurer | Annual | 24-A M.R.S. sec. 423 | Paper | 1 | 1 |
| Insurance Expense Exhibit | Domestic <i>PIC</i> insurer | Annual | 24-A M.R.S. sec. 423 | Paper | 15 | 15 |
| Liquor Liability Report | <i>PIC</i> Insurer, SurplUS Lines Ins. | Annual | 28 M.R.S. Ch. 33 | Either | 632 | 658 |
| Workers Comp Benefits Report | All Workers'Comp writers | Annual | 39-A M.R.S. sec. 3518-A | Either | 264 | 252 |
| Form B Holding Company Registration | Domestic <i>PIC</i> insurer | Annual | 24-A M.R.S. sec. 222 | Paper | 16 | 16 |
| Most Recent Report of Examination | Risk Retention Group | As complet.ed | Title 24-A MRSA section 6095 | Either | Not available | Not available |
| Quarterly RMAP Report | Med mal writers | Quarterly | Reg CH. 630 (5) (A) | Either | 112 | 112 |
| Annual RMAP Report | Med mal writers | Annual | Reg CH. 630 (5) (A) | Either | 28 | 28 |
| RMAP Assessment RelPort | Self Insured Physicians not filing Qtr or Ann RMAP Report | Due in fall as assigned | Reg CH. 630 (J) | Either | 756 | 710 |
| Renewal | Workers' Comp oSelf-Insurer | Annual | 39-A M.R.S. sec. 403 and Rule | Paper | 100 | 93 |
| Self Insurer aggregate benefits paid report | Workers Comp Self Insurers | Annual | 39-A M.R.S. sec. 403(17) | Paper | 100 | 93 |
| Transactions with affiliates | Domestic Insurer | Transactional | 24-A M.R.S. sec. 222(9) | Paper | 13 | 12 |
| Change of control of domestic insurer (Form A) | Acquiring Interest | Transactional | 24-A M.R. SA sec. 222 | per wlsome electro | 1 | 2 |
| Corporate reorganizations inc. mergers, demutualizations, Annual Report | Domestic insurer | Transactional | 24-A M.R.S ch. 47 | per wl some electrc | 2 | 2 |
| Annual Report | Maine Insurance Guaranty Ass'n | Annual | 24-A M.R.S. sec. 4445 | Either | | |
| Annual Report | Me. Life & Health Ins. Guaranty Ass'n | Annual | 24-A M.R.S. sec. 4615 | Either | | |
| Annual Report | Me. Self-Insurance Guaranty Ass'n | Annual | 24-A M.R.S. sec. 404(8) | Either | | |

Bureau of Insurance, Form and Rate Division Filings:

| <u>Filing</u> | <u>Type of Licensee</u> | <u>How Often</u> | <u>Statutory Reference</u> | <u>Paper or Electronic</u> | <u>Number 2005</u> | <u>Number 2006</u> |
|--|---|--------------------------------------|--|----------------------------|----------------------|----------------------|
| Rate and Form Filings | Life/Health Insurers | Transactional | 24-A M.R.S. sec. 2412, 2736, 2808-8 et al | IEither | 4659 | 2776 |
| Rate and Form Filings | Property/casualty insurers | Transactional | 24-A M.R.S. sec. 2412 et al | IEither | 3095 | 3090 |
| Consumer Complaint Contact Health Claims paid by plan sponsor | Insurers Health Carriers & TPAs | Annual & Changes Annual | 22 M.R.S. sec.8702(8A) 24-A M.R.S. sec. 4302(4) | IEither IEither | Not available 702 | Not available 706 |
| Health Insurance Annual (Data Report (Rule 940) | Health Carriers | Annual | Rule 940 | IEither | 29 | 32 |
| Health Report Card Survey | Health Carriers & TPAs w/ Me. bus. | Annual | 24-A M.R.S. sec. 4302(2) | IEither | 112 | 118 |
| Supplemental Health insurance Report (Bulletin 28GA) | Health Insurers | Annual | Bulletin 286A | IEither | 262 | 248 |
| Mandated Benefit Experience Report (Bulletin 292) | Health Carriers | Annual | Bulletin 292 | IEither | 44 | 36 |
| Annual Report Supplement (Rule 945) | Health Carriers | Annual | Rule 945 | IEither | 75 | 75 |
| License Report | Med. Util. Review Entity Med. Util. Review Entity w/ ME bus. | Initial and Annual Renewal Annual | 24-AM.R.S. sec. 2771 24-AM.R.S. sec. 2847 | IPaper IElectronic | 81 Not available | 74 Not available |
| Registration | Preferred Provider Arr Administrator | Initial and Annual Renewal | 24-A M.R.S. sec 2674-A | Paper | 30 | (12 in 07) 29 |
| License | Viatical & Life Settlement Provider | Initial and Annual Renewal | 24-A M.R.S. sec. 6803 | Paper | 3 | 6 |
| Credit insurance Experience Exhibit | Credit Life & Dis. Ins. | Annual | 24-A M.R.S. ch. 37, rule 220 | IEither | 24 | 22 |
| Long Term Care Experience Reporting Form | Long Term Care Insurers | Annual | Rule c. 425 | Paper | 63 | 78 |
| Medical liability claim report | Med. Mal. Insurer | Transactional | 24-AM.R.S. sec. 2601 | Paper | 173 | 161 |
| Medical liability claim disposition | Med. Mal. Insurer | Transactional | 24-A M.R.S sec. 2602 | Paper | 207 | 210 |
| Loss Reserve Explanation | Workers' Comp Insurer | Annual | 39-A M.R.S. sec. 357(2) | Paper | 0 | 1 |

Bureau of Insurance, Licensing Filings:

| <u>Filing</u> | <u>Type of Licensee</u> | <u>How Often</u> | <u>Statutory Reference</u> | <u>Paper or Electronic</u> | <u>Number 2005</u> | <u>Number 2006</u> |
|---|--|----------------------------------|------------------------------------|----------------------------|---|--------------------|
| License app. | Adjuster | Initial | 24-A MRS.A. sec. 1411 | Paper | 784 | 738 |
| License renewal | Adjuster | Biennial | 24-A M.R.S.A. sec. 1424-A | Paper | 1612 | 1017 |
| License app. | Agency, Consulting and Adjusting Firms | Initial | 24-A M.R.S.A. sec. 1413 | Either | 1346 | 1305 |
| Branch location reg. | Agency, Adjusting Firms | Initial | 24-A M.R.S.A. sec. 1413 | Paper | 385 | 432 |
| Termination | Agency, Consulting and Adjusting Firms | Transactional | 24-A M.R.S.A. sec. 1413 | Either | 52 | 41 |
| License app. | Motor vehicle rental co. | Initial | 24-A M.R.S.A. sec. 1413 | Paper | 2 | 0 |
| License app. | Consultant | Initial | 24-A MRS.A. sec. 1462 | Paper | 3 | 7 |
| License renewal | Consultant | Biennial | 24-A M.R.S.A. sec. 11416-A | Paper | 9 | 53 |
| Registration | Employee Leasing Co. (PEG) | Initial | 32 M.R.S.A. sec. 14053 | Paper | 12 | 5 |
| Registration renewal | Employee Leasing Co. (PEG) | Annual | 32 MRS.A. sec. 14053 | Paper | 50 | 53 |
| License app. | Producer | Initial | 24-A M.R.S.A. sec. 1411 | Either | 10505 | 10964 |
| Producer appointments | Insurer | Transactional | 24-A M.R.S.A. sec. 1420-M | Either | 32251 | 69584 |
| Appointment renewal | Insurer | Biennial | 24-A M.R.S.A. sec. 1420-M | Paper | Each insurer sends in list of renewing appointments along with the <i>tee</i> . | |
| Appointment termination | Insurer | Transactional | 24-A M.R.S.A. sec. 1420-N | Either | 16111 | 27017 |
| Disciplinary action in other jurisdiction | Producer | Transactional | 24-A MRS.A. sec. 11420-P | Either | Not available | |
| Ins. vending machine lie. | Producer | Initial | 24-A M.R.S.A. sec. 11444-A | Paper | 0 | 0 |
| Ins. vending machine lie. | Producer | Biennial | 24-A MRS.A. sec. 1444-A | Paper | 0 | 0 |
| License app. | Surplus Lines Producer | Initial | 24-A M.R.S.A. sec. 2012 | Paper | 104 | 224 |
| Registration | Structured Settlement Transferee | Initial | 24-A M.R.S.A. sec. 2242 | Paper | 0 | 3 |
| Registration renewal | Structured Settlement Transferee | Annual | 24-A M.R.S.A. sec. 2242 | Paper | 8 | 9 |
| Registration | Continuing education vendor | Initial | Rule Gh. 542 | Paper | 119 | 17 |
| Registration renewal | Continuing education vendor | Biennial | Rule Gh. 542 | Paper | 0 | 159 |
| Course approval app. | Continuing education vendor | Prior approval | 24-A M.R.S.A. sec 1483 | Paper | 943 | 1145 |
| Course records | Continuing education vendor | <i>W/in 30 days after course</i> | Rule Gh. 542 | Paper | 918 | 2243 |
| Changes in Information | Multiple licensees | Transactional | Per individual license laws | Either | 9064 | 8504 |

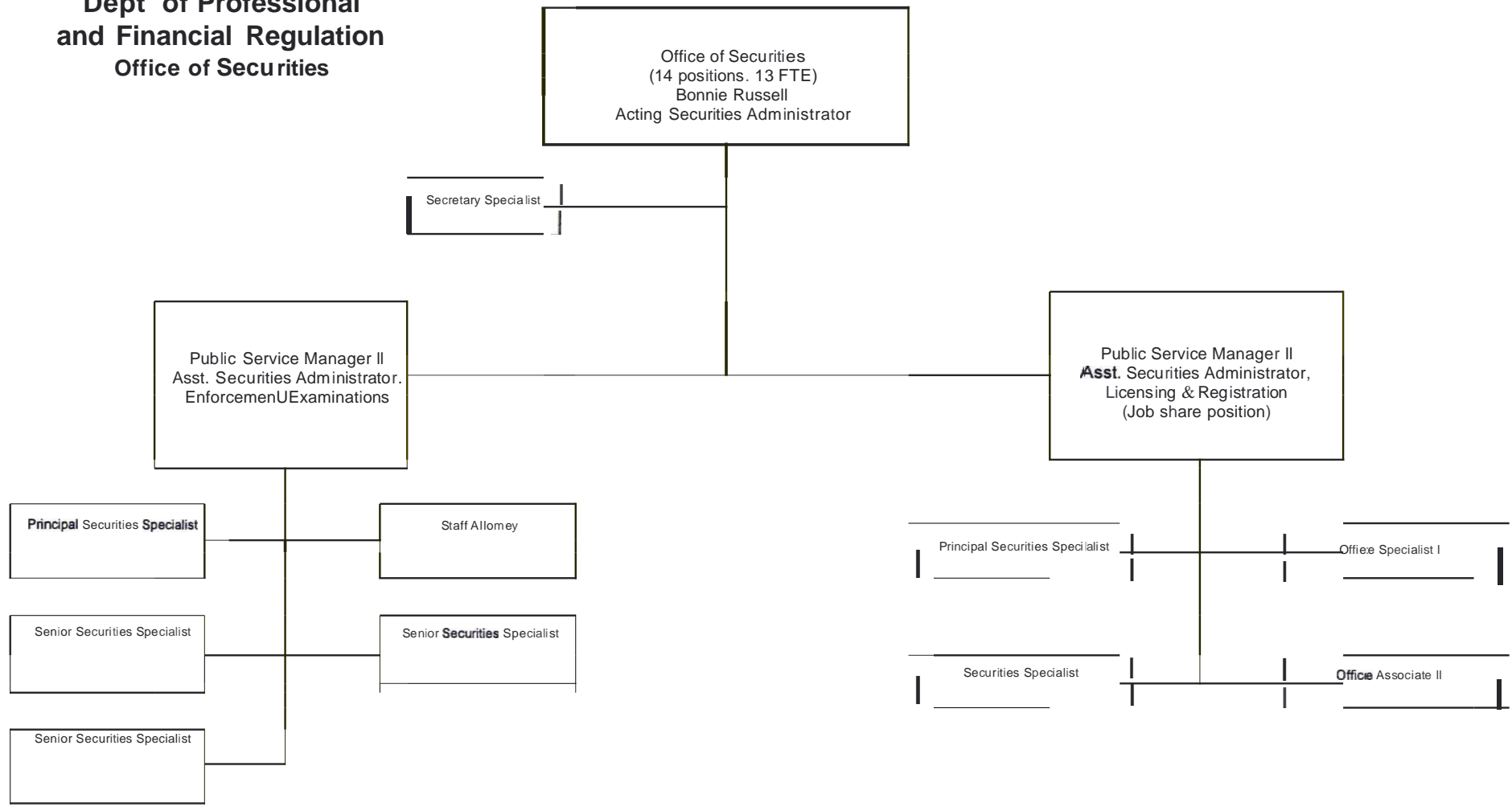
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

OFFICE OF SECURITIES

ATTACHMENTE

| | |
|-----------------------|----------|
| ORGANIZATIONAL CHART: | PAGE 104 |
| FINANCIAL SUMMARY: | PAGE 105 |
| REGULATORY AGENDA: | PAGE 106 |
| LIST OF REPORTS: | PAGE 110 |

**Dept of Professional
and Financial Regulation
Office of Securities**



PROGRAM: Office of Securities (0943)*
 FUNDING SOURCE: Dedicated Revenue

| FISCAL YEAR: | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|---|-----------|-----------|-----------|------------------|----------------|-----------|------------|------------|------------|----------------|
| BUDGETED GENERAL FUND REVENUE - 01 002A094301 | 6,311,000 | 5,857,000 | 6,885,000 | 6,162,000 | 8,165,000 | 9,663,350 | 12,749,063 | 16,584,190 | 19,933,060 | 21,804,130 |
| GENERAL FUND REVENUE COLLECTED - 01002A094301 | 9,246,168 | 7,726,180 | 8,765,947 | 9,833,905 | 9,367,730 | 9,812,175 | 13,502,336 | 19,071,591 | 20,829,236 | 22,251,082 |
| BUDGETED OTHER SPECIAL REVENUE | | | | | | | | | | |
| 01402A.094301 | 800,000 | 800,000 | 1,200,000 | 1,200,000 | 1,572,000 | 1,572,000 | 1,656,557 | 1,656,617 | 1,640,112 | 1,641,947 |
| 01402A.094302 - INVESTOR EDUCATION | | | | | | | | | | 20,000 |
| OTHER SPECIAL REVENUE COLLECTED | | | | | | | | | | |
| 01402A.094301 | 1,386,225 | 1,596,865 | 1,887,100 | 2,269,589 | 2,177,344 | 2,140,636 | 1,646,310 | 1,735,735 | 1,869,949 | 2,031,539 |
| 01402A094302 - INVESTOR EDUCATION | | | | | | | | | | 32,733 |
| ALLOCATED | | | | | | | | | | |
| 01402A094301 PERSONAL SERVICES | 533,958 | 552,350 | 636,632 | 660,202 | 740,213 | 788,056 | 832,957 | 868,981 | 911,344 | 941,350 |
| 01402A094301 ALL OTHER | 126,594 | 123,365 | 141,873 | 145,747 | 189,256 | 288,409 | 295,134 | 301,077 | 303,228 | 309,909 |
| TOTAL | 660,552 | 675,715 | 778,505 | 805,949 | 929,469 | 1,076,465 | 1,128,091 | 1,170,058 | 1,214,572 | 1,251,259 |
| 01402A094302 INVESTOR EDUCATION - ALL OTHER | | | | | | | | | | 20,000 |
| EXPENDED | | | | | | | | | | |
| 01402A094301 PERSONAL SERVICES | 491,674 | 470,079 | 569,305 | 575,752 | 606,478 | 705,149 | 790,331 | 803,070 | 864,605 | 873,749 |
| 01402A094301 ALL OTHER | 137,386 | 112,000 | 125,720 | 143,455 | 157,958 | 178,713 | 219,771 | 182,243 | 228,039 | 239,479 |
| TOTAL | 629,060 | 582,078 | 695,025 | 719,206 | 764,437 | 883,862 | 1,010,102 | 985,314 | 1,092,644 | 1,113,228 |
| 01402A094302 INVESTOR EDUCATION - ALL OTHER | | | | | | | | | | 617 |
| BUDGETED OICAP TRANSFER - 01402A094301 | 120,982 | 439,444 | 189,292 | 169,574 | 491,364 | 389,986 | 376,080 | 379,547 | 246,413 | 206,811 |
| OICAP TRANSFER TRANSFERRED - 01402A094301 | 174,404 | 292,811 | 149,330 | 148,179 | 470,851 | 388,207 | 391,015 | 296,213 | 454,275 | 191,914 |
| TRANSFERS TO THE GENERAL FUND | 1,150,000 | | | | 2,550,000 | 312,619 | 48,293 | 34,658 | 1,333,582 | 1,044,245 |

*Fiscal years 1998-2001 reflect revenue, allocated and expended amounts of the Securities Division

OFFICE OF SECURITIES
2007-2008 REGULATORY AGENDA
September 28, 2007

AGENCY UMBRELLA UNIT NUMBER: 02-032

AGENCY NAME: Department of Professional and Financial Regulation, Office of Securities

CONTACT PERSON: Bonnie E. Russell, Acting Securities Administrator, 121 State House Station, Augusta, ME 04333-0121. Tel: (207) 624-8551. E-mail: Bonnie.E.Russell@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2007-2008 RULE-MAKING ACTIVITY;

CHAPTER 504: Broker-Dealer and Agent Licensing

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 16404, 16411, 16412, and 16605

PURPOSE: Revise and update this rule to address policy, law, industry, or other changes.

ANTICIPATED SCHEDULE: Prior to 10/2008

AFFECTED PARTIES: Licensed broker-dealers and agents and applicants for such licenses.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected

CHAPTER 506: Rule Governing Broker-Dealers Transacting Business on the Premises of Financial Institutions

STATUTORY AUTHORITY: 32 M.R.S.A. § 16605

PURPOSE: Revise and update this rule to address policy, law, industry, or other changes.

ANTICIPATED SCHEDULE: Prior to 10/2008

AFFECTED PARTIES: Broker-dealers transacting business on premises of financial institutions, financial institutions, Maine investors and financial institution customers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected

CHAPTER 507: Licensing Exemption for Certain Canadian Broker-Dealers

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 16203, 16401(2), and 16605

PURPOSE: Revise and update this rule to address policy, law, industry, or other changes.

ANTICIPATED SCHEDULE: Prior to 10/2008

AFFECTED PARTIES: Broker-dealers who are residents of Canada.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected

CHAPTER 510: Broker-Dealers, Investment Advisers, and Others Using the Internet for General Dissemination of Information about Securities Products and Services

STATUTORY AUTHORITY: 32 M.R.S.A. § 16605

PURPOSE: Revise and update this rule to address policy, law, industry, or other changes.

ANTICIPATED SCHEDULE: Prior to 10/2008

AFFECTED PARTIES: Broker-dealers, sales representatives, investment advisers, and investment adviser representatives.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected

CHAPTER 511: Change of Ownership or Control of a Broker-Dealer or Investment Adviser

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 16407(4) and 16605

PURPOSE: Revise and update this rule to address policy, law, industry, or other changes

ANTICIPATED SCHEDULE: Prior to 10/2008

AFFECTED PARTIES: Broker-dealers and investment advisers that change ownership.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 515: Investment Adviser Licensing

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 16403,16404,16405,16406,16408,16411,16412, and 16605

PURPOSE: Revise and update this rule to address policy, law, industry, or other changes.

ANTICIPATED SCHEDULE: Prior to 10/2008

AFFECTED PARTIES: Investment advisers and persons representing investment advisers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected

CHAPTER 516: Definition of Client for Purposes of Investment Adviser Licensing and Notice Filing by Federal

Covered Investment Advisers

STATUTORY AUTHORITY: 32 M.R.S.A. § 16605

PURPOSE: Revise and update this rule to address policy, law, industry, or other changes.

ANTICIPATED SCHEDULE: Prior to 10/2008

AFFECTED PARTIES: Investment advisers and federal covered investment advisers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 525: Rule Regarding Small Company Offering Registrations

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 16304(5-6) and 16605

PURPOSE: Revise and update this rule to address policy, law, industry, or other changes.

ANTICIPATED SCHEDULE: Prior to 10/2008

AFFECTED PARTIES: Small companies that wish to offer their securities to the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected

CHAPTER 532: Securities Offerings on the Internet

STATUTORY AUTHORITY: 32 M.R.S.A. § 16203

PURPOSE: Revise and update this rule to address policy, law, industry, or other changes.

ANTICIPATED SCHEDULE: Prior to 10/2008

AFFECTED PARTIES: Issuers who offer or sell securities in Maine via the internet.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected

CHAPTER 533: Maine Issuer Notification of Exemption Form

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 16202(15)(E) and 16605

PURPOSE: Revise and update this rule to address policy, law, industry, or other changes.

ANTICIPATED SCHEDULE: Prior to 10/2008

AFFECTED PARTIES: Maine companies conducting limited securities offerings.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected

CHAPTER 534: Limited Private Offering Exemption; Purchasers Present in this State and Single Issue

STATUTORY AUTHORITY: 32 M.R.S.A. § 16605

PURPOSE: Revise and update this rule to address policy, law, industry, or other changes.

ANTICIPATE SCHEDULE: Prior to 10/2008

AFFECTED PARTIES: Issuers relying on certain exemptions from the securities registration requirement.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected

CHAPTER 536: Securities Manuals

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 16202(2)(D) and 16605

PURPOSE: Revise and update this rule to address policy, law, industry, or **other changes**.

ANTICIPATED SCHEDULE: Prior to 10/2008

AFFECTED PARTIES: Securities holders of companies covered by certain securities manuals.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected

CHAPTER 537: Exemption for Offers and Sales to Accredited Investors

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 16402(2)(1), 16203, and 16605

PURPOSE: Revise and update this rule to address policy, law, industry, or other changes.

ANTICIPATED SCHEDULE: Prior to 10/2008

AFFECTED PARTIES: Issuers offering securities in Maine to accredited investors; sales representatives acting for such issuers.

CONSENSUS-BASED RULE DEVELOPMENT: Not **expected**

CHAPTER 538: Exemption for Offers and Sales to the Finance Authority of Maine

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 16402(2)(1), 16203, and 16605

PURPOSE: Revise and update this rule to address policy, law, industry, or other changes.

ANTICIPATED SCHEDULE: Prior to 10/2008

AFFECTED PARTIES: Issuers offering securities to the Finance Authority of Maine; sales representatives acting for such issuers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected

CHAPTER 539: Offers and Sales of Viatical Settlement Contracts

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 16202(25) and 16605

PURPOSE: Revise and update this rule to address policy, law, industry, or other changes.

ANTICIPATED SCHEDULE: Prior to 10/2008

AFFECTED PARTIES: Any person offering or selling viatical settlement contracts in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected

CHAPTER 540: Adjudicatory Proceedings Rule

STATUTORY AUTHORITY: 32 M.R.S.A. § 16605

PURPOSE: Revise and update this rule to address policy, law, industry, or other changes.

ANTICIPATED SCHEDULE: Prior to 10/2008

AFFECTED PARTIES: **All parties** who may have proceedings pursuant to the Revised Maine Securities Act.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected

CHAPTER 541 : Initial and Annual Renewal Fees

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 16410 and 16605

PURPOSE: Revise and update this rule to address policy, law, industry, or other changes.

ANTICIPATED SCHEDULE: Prior to 10/2008

AFFECTED PARTIES: Persons and entities required to pay initial and annual fees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected

CHAPTER 542: Model Rescission Offer Forms

STATUTORY AUTHORITY: §§ 16510(2) and 16605

PURPOSE: Revise and update this rule to address policy, law, industry, or other changes.

ANTICIPATED SCHEDULE: Prior to 10/2008

AFFECTED PARTIES: Persons making rescission offers as a result of the sale of unregistered securities.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected

NEW RULE

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 16403(2)(C) and 16605

PURPOSE: To exempt from the investment adviser licensing requirement persons providing investment advice to certain pooled investment funds.

ANTICIPATED SCHEDULE: Prior to 10/2008

AFFECTED PARTIES: Persons providing investment advice to certain pooled investment funds.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected

NEW RULE

STATUTORY AUTHORITY: 32 M.R.S.A. § 16605

PURPOSE: To make it a "dishonest or unethical practice" under 32 M.R.S.A. §16412(4)(M) for a broker-dealer, agent, investment adviser, or investment adviser representation to use a title or a designation implying special expertise or training in providing brokerage services or investment advice to senior citizens except as allowed by the rule.

ANTICIPATED SCHEDULE: Prior to 10/2008

AFFECTED PARTIES: Broker-dealers, agents, investment advisers, and investment adviser representatives.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected

NEW RULE

STATUTORY AUTHORITY: 5 M.R.S.A. § 9001(3), 32 M.R.S.A. § 16605

PURPOSE: To prescribe the procedure for submission, consideration, and disposition of requests for advisory rulings and no-action letters.

ANTICIPATED SCHEDULE: Prior to 10/2008

AFFECTED PARTIES: Anyone who may wish to request an advisory ruling from the Securities Administrator.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected

NEW RULE

STATUTORY AUTHORITY: 32 M.R.S.A. § 16605

PURPOSE: To adopt, in whole or in part, the "Model Rules for State Coordination with the Multi-Jurisdictional Disclosure System" to enable Maine to participate in the coordinated review of certain securities offerings of Canadian issuers.

ANTICIPATED SCHEDULE: Prior to 10/2008

AFFECTED PARTIES: Certain Canadian securities issuers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

NEW RULE

STATUTORY AUTHORITY: 10 M.R.S.A. § 1350-A(1)

PURPOSE: To provide for the administration and implementation of the "Notice of Risk to Personal Data Act."

ANTICIPATED SCHEDULE: Prior to 10/2008

AFFECTED PARTIES: Information brokers and other persons maintaining computerized data that includes personal information, such as social security numbers, driver's license numbers, account numbers, and account passwords.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

OFFICE OF SECURITIES

Lists of Reports, Applications and Other Paperwork

1. Securities registration requirements
 - a. Applications to Register Securities
 - (1) Securities Registration by Coordination

These are securities registration filings made by issuers offering their securities in Maine who also registering their securities with the SEC.

 - (1) statutory authority
32 M.R.S.A. §16303
 - (2) date adopted or last amended
December 31, 2005
 - (3) frequency
Prior to any offer of the securities in Maine. The registration is effective for one year from the date it is declared effective. If the offering lasts longer than one year, the issuer must file a renewal application.
 - (4) number received annually for last 2 years and anticipated to be received annually for next 2 years
FY2006 - 75
PY2007 - 93
FY2008 - 85
FY2009 - 85
 - (5) actions taken or contemplated to reduce filing requirements and paperwork duplication
We require the filing of the registration statement filed with the SEC, a uniform application to register securities, a consent to service of process, and a nonrefundable fee of \$1 000 for each type or class of security offered in Maine. Filing requirements have been reduced to require only the registration statement filed federally. The Office requests other documents only as needed during its review, many of which are available electronically from the SEC.
 - (2) Securities Registration by Qualification

These are securities registration filings made by issuers offering their securities in Maine who are not registering their securities with the SEC because the offering qualifies for an exemption from the federal registration requirements.

 - (1) statutory authority
32 M.R.S.A. §16304
 - (2) date adopted or last amended
December 31, 2005
 - (3) frequency
Prior to any offer of the securities in Maine. The registration is effective for one year from the date it is declared effective. If the offering lasts longer than one year, the issuer must file a renewal application.
 - (4) number received annually for last 2 years and anticipated to be received annually for next 2 years
FY2006 - 1
FY2007 =0
FY2008 - 1
FY2009 - 1

- (5) actions taken or contemplated to reduce filing requirements and paperwork duplication

We require the filing of a registration statement, a uniform application to register securities, a consent to service of process, and a nonrefundable fee of \$1 000 for each type or class of security offered in Maine. If the total amount of proceeds that the issuer is raising in state and out of state does not exceed \$1,000,000, the filing fee is \$300 for each type or class of security offered in Maine.

The contents of the registration statement are specified in 32 M.R.S.A. §16304(2). The Office has adopted a simplified registration statement for use by issuers raising less than \$1,000,000 pursuant to 32 M.R.S.A. §16304(6).

The information required is comprehensive because, once the Office registers the offering, the registration statement becomes the offering document. Full disclosure is the hallmark of securities registration so that the investor can make an informed decision as to whether to purchase the issuer's securities.

b. Filings for Exemptions from Registration

(1) Limited Private Offering Exemption

These are exemption filings made by issuers organized under the laws of Maine or by issuers that the administrator determines by order have their principal places of business in Maine.

- (1) statutory authority
32 M.R.S.A. §16202(15)
- (2) date adopted or last amended
December 31, 2005
- (3) frequency
The issuer files a notification of exemption before making the offering.
- (4) number received annually for last 2 years and anticipated to be received annually for next 2 years
FY2006 - 4
FY2007 - 4
FY2008 - 2
FY2009 - 2

- (5) actions taken or contemplated to reduce filing requirements and paperwork duplication

This exemption is for small Maine issuers who are not selling to more than 25 purchasers in Maine and are not making a public solicitation of their offerings. The issuers must believe that the purchasers are purchasing for investment and they must give a copy of the notification to each offeree.

These issuers are exempt from registering their securities federally. If an issuer complies with the requirements of the exemption it is not required to register its securities with the Office, which reduces the paperwork they are required to file with us.

The notification contains important information about the issuer and the offering to help investors make an informed decision to invest.

(2) Viatical or Life Settlement Contracts

These are exemption filings made for offers of investments in viatical or life settlement contracts.

- 1) statutory authority
32 M.R.S.A. §16202(25)
- (2) date adopted or last amended
December 31, 2005
- (3) frequency
The issuer files a notice specifying the terms of the offer prior to any offer in Maine.
- (4) number received annually for last 2 years and anticipated to be received annually for next 2 years
FY2006 - 0
FY2007 - 0
FY2008 - 0
FY2009 - 0

- (5) actions taken or contemplated to reduce filing requirements and paperwork duplication

There has been a history of abusive sales practices by issuers who offer investments in viatical settlement contracts. This filing requirement provides the Office with information about issuers offering these types of investments in Maine. Issuers complying with the requirements of the exemption are not required to register their securities in Maine, which reduces the paperwork they are required to file with the Office.

The underlying viatical or life settlement transaction with the viator cannot violate the Viatical and Life Settlements Act. The administrator requires that specific disclosure documents are given to each offeree or purchaser.

We require a notice specifying the terms of the offer together with a consent to service of process and a nonrefundable fee of \$300 for each type or class of security sold.

The administrator has five full business days to disallow the exemption.

(3) Nonpublic offerings exempt under §4(2) of the U.S. Securities Act of 1933
These are notice filings made by issuers offering their securities in private placements exempt from registration under §4(2) of the U.S. Securities Act of 1933.

- 1) statutory authority
32 M.R.S.A. §16202(26)
- (2) date adopted or last amended
December 31, 2005
- (3) frequency
15 days after the first sale of an offering is made in Maine
- (4) number received annually for last 2 years and anticipated to be received annually for next 2 years
FY2006 - unknown
FY2007 - 2
FY2008 - 1
FY2009 - 1

- (5) actions taken or contemplated to reduce filing requirements and paperwork duplication

These issuers are exempt from registering their securities federally. The filing we require is minimal- a notice filing on Form D (which is an SEC form), a consent to service of process, and a nonrefundable fee of \$300 for each type or class of security sold.

The SEC is beginning the process of allowing issuers to file the Form D electronically. The Office has begun to explore ways these filings could be made electronically in Maine.

If an issuer complies with the requirements of the exemption it is not required to register its securities with the Office, which reduces the paperwork they are required to file with us.

(4) **Exemption for Offers and Sales to Accredited Investors**

These are notice filings made by issuers offering and selling their securities to accredited investors as defined by the SEC.

- 1) statutory authority
32 M.R.S.A. §16203
- (2) date adopted or last amended
December 31, 2005
- (3) frequency
15 days after the first sale of an offering is made in Maine
- (4) number received annually for last 2 years and anticipated to be received annually for next 2 years
FY2006 - 3
FY2007 - 1
FY2008 - 1
FY2009 - 1

- (5) actions taken or contemplated to reduce filing requirements and paperwork duplication

This exemption is contained in Rule Chapter 537 and was originally adopted in 1998 to provide an exemption from securities registration to issuers who offer and sell their securities only to accredited investors. The goal of the Office was to provide a coordinated exemption for these issuers on both the federal and the state level.

An issuer that complies with the exemption is allowed to make a general public announcement of the offering that contains specified information.

The filing we require is minimal - a notice of transaction on the Model Accredited Investor Exemption Uniform Notice of Transaction, a consent to service of process, and a nonrefundable fee of \$300 for each type or class of security sold. The Notice of Transaction Form is a uniform form developed by the North American Securities Administrators Association for use by all states that adopt this exemption.

If an issuer complies with the requirements of the exemption it is not required to register its securities with the Office, which reduces the paperwork they are required to file with us.

c. Notice Filings for Offerings of Federal Covered Securities

(I) Notice filings for federal covered securities under §18(b)(2) of U.S. Securities Act of 1933

These are notice filings made by investment companies to indicate they are offering their securities in Maine. The most common type of investment company is a mutual fund.

- (1) statutory authority
32 M.R.S.A. §§16302(1) and (2)
- (2) date adopted or last amended
December 31, 2005
- (3) frequency
annually
- (4) number received annually for last 2 years and anticipated to be received annually for next 2 years
FY2006 - 20,940
FY2007 - 23,229
FY2008 - 18,915
FY2009 - 18,915
- (5) actions taken or contemplated to reduce filing requirements and paperwork duplication

A federal law enacted in 1996 preempts us from imposing conditions on federal covered securities or offering documents. States are permitted to require the filing of documents filed with the SEC together with an annual or periodic report of value of securities sold or offered in Maine for notice purposes only and the assessment of a fee, together with a consent to service of process

We require only a uniform investment company notice filing form, a consent to service of process, and a nonrefundable fee of \$1 000 for each type or class of security offered in Maine.

Approximately one-half of these filings and the accompanying fees are now received electronically. The number of issuers filing electronically is increasing, which the Office is encouraging.

(2) Notice filings for federal covered securities under §18(b)(4)(D) of U.S. Securities Act of 1933

~~These are notice~~ filings made by issuers offering their securities in private placements exempt from registration under the U.S. Securities Act of 1933 pursuant to Rule 506 of Regulation D.

- 1) statutory authority
32 M.R.S.A. §16302(3)
- (2) date adopted or last amended
December 31, 2005
- (3) frequency
15 days after the first sale is made in Maine
- (4) number received annually for last 2 years and anticipated to be received annually for next 2 years
FY2006 - 392
FY2007 - 434
FY2008 - 225
FY2009 - 225

- (5) actions taken or contemplated to reduce filing requirements and paperwork duplication
Federal law enacted in 1996 preempts us from imposing conditions on federal covered securities or offering documents. States are permitted to require the filing of documents filed with the SEC together with an annual or periodic report of value of securities sold or offered in Maine for notice purposes only and the assessment of a fee, together with a consent to service of process

We require a notice filing on Form D - the form required to be filed with the SEC for these filings, a consent to service of process, and a nonrefundable fee of \$300 for each type or class of security sold.

The SEC is beginning the process of allowing these issuers to file the Form D electronically. The Office has begun to explore ways that these filings could be made electronically in Maine.

2. Licensing requirements

a. Applications for Licensing

(1) Broker-Dealers

- (1) statutory authority
32 M.R.S.A. §§16401 and 16406
Implemented by Rule Chapter 504, Section 3
- (2) date adopted or last amended
December 31, 2005
- (3) frequency
Annually, with renewal filing made by December 31 of each year.
- (4) number received annually for last 2 years and anticipated to be received annually for next 2 years
FY2006 - 109 initial applications; 1271 renewals
FY2007 - 107 initial applications
FY2008 -
FY2009 -

- (5) actions taken or contemplated to reduce filing requirements and paperwork duplication

As described above in Section I, the Office receives virtually all of its initial and renewal license applications electronically through a computerized license system used by state securities regulators, the SEC, and FINRA. State securities regulators, the SEC, and FINRA require applicants to file uniform application forms that can be entered into the system electronically by the applicant. FINRA collects all licensing fees and forwards them electronically to the Office.

(2) Agents

- (1) statutory authority
32 M.R.S.A. §§16402 and 16406
Implemented by Rule Chapter 504, Section 3
- (2) date adopted or last amended
December 31, 2005
- (3) frequency
Annually, with renewal filing made by December 31 of each year.

(4) number received annually for last 2 years and anticipated to be received annually for next 2 years

FY2006 - 20,437 initial applications; 60,377 renewals

FY2007 - ~~22,535~~ initial applications

FY2008 -

FY2009 -

(5) actions taken or contemplated to reduce filing requirements and paperwork duplication

As described above in Section I, the Office receives virtually all of its initial and renewal license applications electronically through a computerized license system used by state securities regulators, the SEC, and FINRA. State securities regulators, the SEC, and FINRA require applicants to file uniform application forms that can be entered into the system electronically by the applicant. FINRA collects all licensing fees and forwards them electronically to the Office.

(3) Investment Advisers

(1) statutory authority

32 M.R.S.A. §§16403 and 16406

Implemented by Rule Chapter 515, Section 3

(2) date adopted or last amended

December 31, 2005

(3) frequency

Annually, with renewal filing made by December 31 of each year.

(4) number received annually for last 2 years and anticipated to be received annually for next 2 years

FY2006 - 14 initial applications

FY2007 - 29 initial applications

FY2008 -

FY2009-

(5) actions taken or contemplated to reduce filing requirements and paperwork duplication

As described above in Section I, the Office receives virtually all of its initial and renewal license applications electronically through a computerized license system used by state securities regulators, the SEC, and FINRA. State securities regulators, the SEC, and FINRA require applicants to file uniform application forms that can be entered into the system electronically by the applicant. FINRA collects all licensing fees and forwards them electronically to the Office.

(4) Investment Adviser Representatives

(1) statutory authority

32 M.R.S.A. §§16404 and 16406

Implemented by Rule Chapter 515, Section 4

(2) date adopted or last amended

December 31, 2005

(3) frequency

Annually, with renewal filing made by December 31 of each year.

(4) number received annually for last 2 years and anticipated to be received annually for next 2 years

FY2006 - 362 initial applications; 1260 renewals

FY2007 - 183 initial applications

FY2008 -

FY2009 -

- (5) actions taken or contemplated to reduce filing requirements and paperwork duplication

As described above in Section I, the Office receives virtually all of its initial and renewal license applications electronically through a computerized license system used by state securities regulators, the SEC, and FINRA. State securities regulators, the SEC, and FINRA require applicants to file uniform application forms that can be entered into the system electronically by the applicant. FINRA collects all licensing fees and forwards them electronically to the Office.

(5) **Branch Offices**

- (1) statutory authority
32 M.R.S.A. §16410(F)
Implemented by Rule Chapter 504, Section 3(5) and Rule Chapter 515, Section 3(5)
- (2) date adopted or last amended
December 31, 2005
- (3) frequency
Annually, with renewal filing made by December 31 of each year.
- (4) number received annually for last 2 years and anticipated to be received annually for next 2 years
FY2006 - initial applications; 569 renewals
FY2007 - initial applications
FY2008 -
FY2009 -

- (5) actions taken or contemplated to reduce filing requirements and paperwork duplication

As described above in Section I, the Office receives virtually all of its initial and renewal license applications electronically through a computerized license system used by state securities regulators, the SEC, and FINRA. State securities regulators, the SEC, and FINRA require applicants to file uniform application forms that can be entered into the system electronically by the applicant. FINRA collects all licensing fees and forwards them electronically to the Office.

b. Filings for Exemptions from Licensing

(1) **Licensing Exemption for Certain Foreign Broker-Dealers**

Broker-dealers registered or licensed in Canada with no place of business in Maine who comply with the requirements of Rule Chapter 507 may effect transactions with certain specific persons who became customers of the broker-dealers while the persons were resident in Canada.

- (1) statutory authority
32 M.R.S.A. §16401(4)
Implemented by Rule Chapter 507
- (2) date adopted or last amended
December 31, 2005
- (3) frequency
Once
- (4) number received annually for last 2 years and anticipated to be received annually for next 2 years
FY2006 -
FY2007 -
FY2008 -
FY2009 -

- (5) actions taken or contemplated to reduce filing requirements and paperwork duplication
We require that the broker-deal file the current application required by its home province or territory together with a consent to service of process.

The rule is an accommodation for Canadian broker-dealers that want to effect transactions with investors with whom they have a customer relationship that was established while the investor was resident in Canada. By complying with the notice filing requirement Canadian broker-dealers may effect transactions with existing customers without becoming licensed in Maine, which reduces the paperwork they file with us.

c. **Notice Filings for Offerings of Federal Covered Investment Advisers**

- (1) statutory authority
32 M.R.S.A. §16405
Implemented by Rule Chapter 515, Section 5
- (2) date adopted or last amended
December 31, 2005
- (3) frequency
Annually, with renewal filing made by December 31 of each year.
- (4) number received annually for last 2 years and anticipated to be received annually for next 2 years
FY2006 - initial notice filings
FY2007 - initial notice filings
FY2008 -
FY2009 -

- (5) actions taken or contemplated to reduce filing requirements and paperwork duplication
A federal law enacted in 1996 preempts us from requiring licensing of an investment adviser that is registered with the SEC. As a general rule, an investment adviser may only register with the SEC if it has assets under management of not less than \$25,000,000. The Office is permitted to require notice filings from investment advisers who are registered with the SEC and either (a) have a place of business in Maine or (b) do not have a place of business in Maine but had more than five clients in Maine during the preceding 12 months. We may require the filing of documents filed with the SEC solely for notice purposes, together with a consent to service of process and a fee.

As described above in Section I, the Office receives virtually all of its initial and renewal license applications electronically through a computerized license system used by state securities regulators, the SEC, and FINRA, including notice filings from federal covered investment advisers. State securities regulators, the SEC, and FINRA require applicants to file uniform application forms that can be entered into the system electronically by the applicant. FINRA collects all licensing fees and forwards them electronically to the Office.

3. **Registration of Sellers of Business Opportunities**

- (1) statutory authority
32 M.R.S.A. §§4696 and 4697
- (2) date adopted or last amended
§4696 - 1989
§4697 - 1991

- (3) frequency
Prior to offering, selling, advertising, or promoting the business opportunity in Maine. The registration is effective for one year commencing on the date of effectiveness. The seller may annually renew the registration. Failure to renew results in expiration of the registration. Seller is required to update its disclosure document as material information changes.
- (4) number received annually for last 2 years and anticipated to be received annually for next 2 years
 - FY2006 - 26 (19 registrations; 7 renewals)
 - FY2007 - 18 (6 registrations; 12 renewals)
 - FY2008 - 20
 - FY2009 - 20
- (5) actions taken or contemplated to reduce filing requirements and paperwork duplication
Seller required to file copy of disclosure document that must be given to offerees and provide evidence of a \$30,000 bond or establishment of \$30,000 escrow account.

The disclosure document must accurately and clearly disclose information about the business opportunity so that the purchaser can make an informed decision. The seller may use a disclosure statement meeting the requirements of the Federal Trade Commission if it meets or exceeds the disclosure requirements of 32 M.R.S.A. §4693.

OFFICE OF LICENSING AND REGISTRATION

ATTACHMENT F

LIST OF PROGRAMS AND RELATED INFORMATION: PAGE 121

ORGANIZATIONAL CHARTS: PAGE 122

FINANCIAL SUMMARIES: PAGE 124

REGULATORY AGENDAS: PAGE 126
(OLR AND EACH LICENSING PROGRAM)

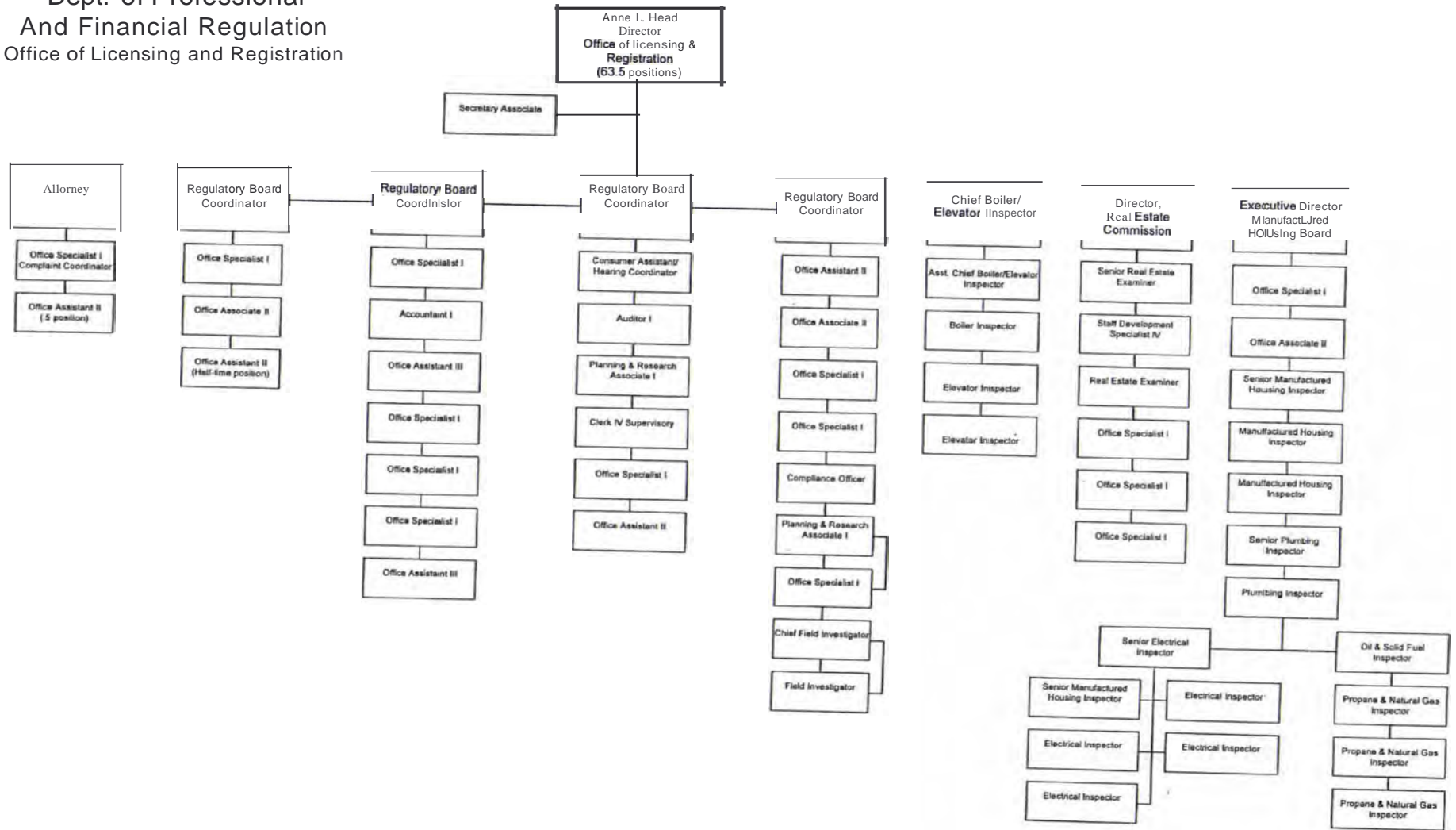


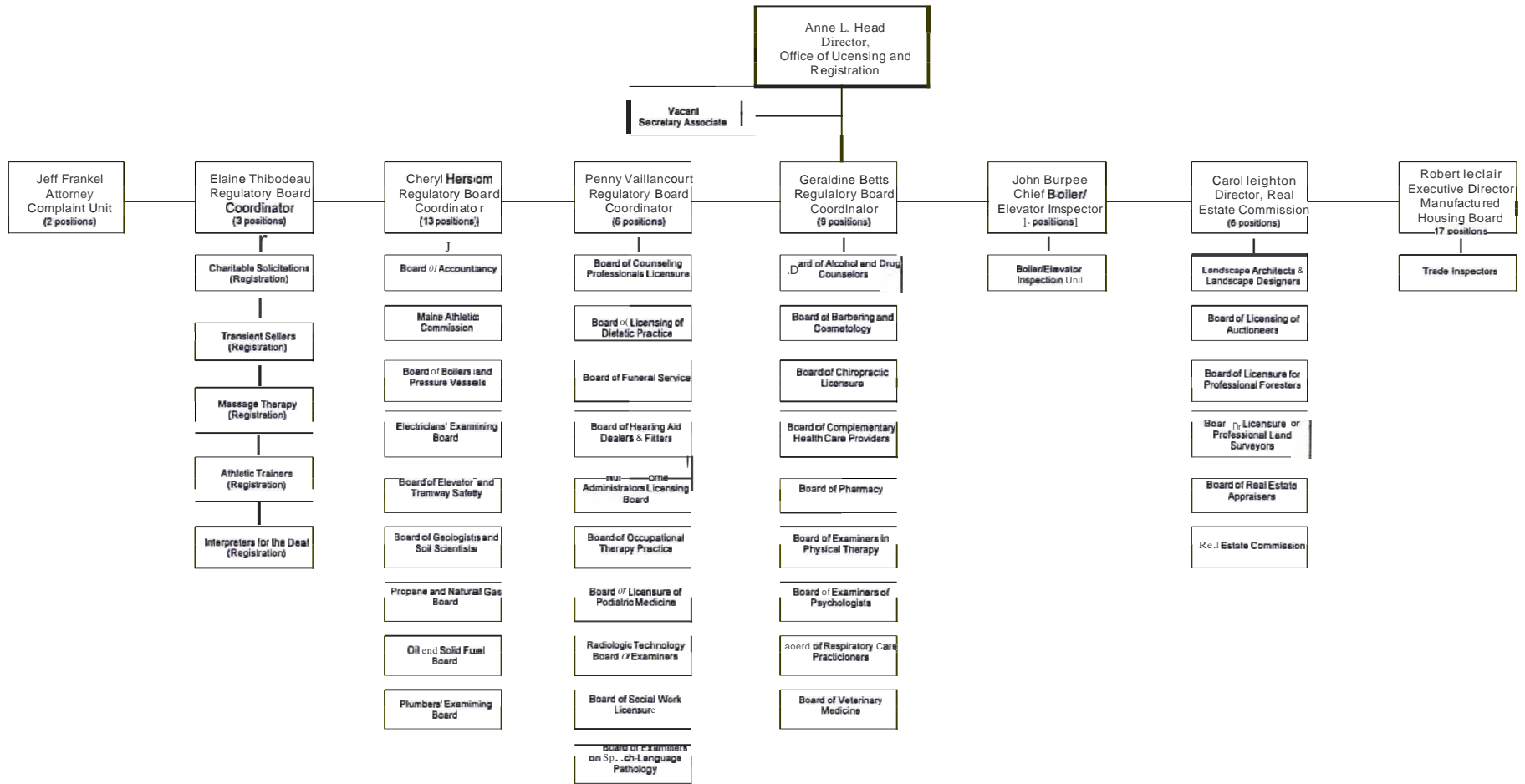
OFFICE OF LICENSING AND REGISTRATION
LICENSING INFORMATION

October 1, 2007

| BOARD | RENEWAL CYCLE | NUMBER OF LICENSEES | CITATION NUMBER TITLE/SECTIONS |
|--|--|---------------------|-----------------------------------|
| ACCOUNTANCY | Annual Staggered • CPAIPA | 2,542 | 32 M.R.S.A. §12201-12280 |
| ***** | Annual 12/31 • FinIBllInch | ***** | ***** |
| ALCOHOL & DRUG COUNSELORS | Annual 11/30 | 1,132 | 32 M.R.S.A. §6201-6222 |
| ARCHITECTS, LANDSCAPE ARCHITECT, INTERIOR DESIGNERS | Annual 6/30; Int. Design. - Bien. Odd 6/30 | 1,666 | 32 M.R.S.A. §211-228 |
| ATHLETIC COMMISSION | No renewal cycle | 251 | 32 M.R.S.A. §13501.13517 |
| ATHLETIC TRAINERS | Annual SlIggered | 183 | 32 M.R.S.A. §14351-14362 |
| AUCTIONEERS | Annual 3/31 | 290 | 32 M.R.S.A. §284-299 |
| BARBERS & COSMETOLOGISTS | Biennial Staggered; various other | 15,565 | 32 M.R.S.A. §14201-14252 |
| BOILER BOARD | Staggered 3 years | 12,168 | 32 M.R.S.A. §15101-15121 |
| CHARITABLE SOUCITATIONS | Annual 11/30 | 3,103 | 9 M.R.S.A. §501-5018 |
| CHIROPRACTIC | Biennial CR Odd 12/31 - CA Even 12/31 | 625 | 32 M.R.S.A. §451-558 |
| COMPLEMENTARY HEALTH CARE (Acupuncture) | Annual 10/31 | 143 | 32 M.R.S.A. §12501 -12526 |
| COUNSELORS | Biennial Staggered | 1,297 | 32 M.R.S.A. §13851-13865 |
| INTERPRETERS/TRANSLITERATORS OF AMERICAN SIGN LANGUAGE AND ENGLISH | Annual 6/30 | 111 | 32 M.R.S.A. §1521-1532 |
| DIETETIC PRACTICE | Annual 12/31 | 437 | 32 M.R.S.A. §9901-9915 |
| DOOR-TO-DOOR HOME REPAIR | Annual 10/31 | 3 | 32 M.R.S.A. §14501-14716 |
| ELECTRICIANS | Biennial SlIggered | 11,248 | 32 M.R.S.A. §1101.1206 |
| ELEVATOR/TRAMWAY SAFETY | SlIggered 3 years | 4,436 | 32 M.R.S.A. §15201-15229 |
| FORESTERS | AnnHI 12/31 | 846 | 32 M.R.S.A. §5501-5516 |
| FUNERAL SERVICES | Annual 2/1 | 703 | 32 M.R.S.A. §1400-1507 |
| GEOLOGISTS & SOIL SCIENTISTS | Annual 12/31 | 325 | 32 M.R.S.A. §4901-4920 |
| HEARING AID DEALERS & FITTERS | Annual 01/31 | 146 | 32 M.R.S.A. §1658-1660-F |
| TRANSIENT SELLERS OF CONSUMER MERCHANDISE | Annual 4/30 | 359 | 32 M.R.S.A. *14501-14716 |
| LAND SURVEYORS | Biennial Odd 12/31 | 687 | 32 M.R.S.A. §13901.13913 |
| MANUFACTURED HOUSING | Annual 3/31- Mobile Home Parks | 1,120 | 10 M.R.S.A. §9081-9090 (MH Parks) |
| ***** | Biennial Even 6/30 - McchlDealcrIMfgs. | ***** | 10 M.R.S.A. §9001-9090 |
| MASSAGE THERAPISTS | Annual Staggered | 2,428 | 32 M.R.S.A. §14301-14311 |
| NURSING HOME ADMINISTRATORS | Annual 6/30 | 336 | 32 M.R.S.A. §61-66 |
| OCCUPATIONAL THERAPY | Biennial Odd 3/31 | 1,073 | 32 M.R.S.A. §2271-2286 |
| 011& SOLID FUEL | Biennial Staggered | 5,666 | 32 M.R.S.A. §2311-2406 |
| PHARMACY | Annual 12/31 | 5,442 | 32 M.R.S.A. §13701-13825 |
| PHYSICAL THERAPY | Biennial Even 3/31 | 1,947 | 32 M.R.S.A. §3111.3119 |
| PLUMBERS | Biennial Staggered | 4,665 | 32 M.R.S.A. §3301-3507 |
| PODIATRISTS | Annual 6/30 | 85 | 32 M.R.S.A. §3551-3655-A |
| PROPANE & NATURAL GAS | Biennial Staggered | 4,585 | 32 M.R.S.A. §14801-14817 |
| PSYCHOLOGY | Biennial Even 4/30 | 641 | 32 M.R.S.A. §3811-3840 |
| RADIOLOGICAL TECHNOLOGY | Biennial Even 8/31 | 1,831 | 32 M.R.S.A. §9851-9861 |
| REAL ESTATE APPRAISERS | Biennial Staggered 12/31 | 948 | 32 M.R.S.A. §14001-14038 |
| REAL ESTATE COMMISSION | Biennial Staggered | 7,657 | 32 M.R.S.A. *13001.13283 |
| RESPIRATORY CARE PRACTITIONERS | Biennial Even 4/30 | 695 | 32 M.R.S.A. §9701-9713 |
| SOCIAL WORKERS | Biennial Staggered | 5,506 | 32 M.R.S.A. §7001-A-7063 |
| SPEECH PATHOLOGISTS AND AUDIOLOGIST | Biennial Even 2/28 | 820 | 32 M.R.S.A. §6001-6031 |
| VETERINARY MEDICINE | Annual 9/30 | 1,179 | 32 M.R.S.A. §4851-4875 |
| TOTAL NUMBER OF LICENSEES: | | 104,930 | |

Dept. of Professional
And Financial Regulation
Office of Licensing and Registration





PROGRAM: Office of Licensing and Registration (0352)
 FUNDING SOURCE: Dedicated Revenue

| FISCAL YEAR: | | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|---------------------------------|-------------------|-----------|-----------|-----------|-----------|-----------|-----------|-------------------|-------------------|-------------------|--------------------|
| BUDGETED GENERAL FUND REVENUE | | | | | | | | | | | |
| GENERAL FUND REVENUE COLLECTED | | | | | | 2,310 | 80,049 | 72,950 134,234 | 50,000 110,177 | 50,000 174,151 | 100,000 178,735 |
| BUDGETED OTHER SPECIAL REVENUE | | 4,668,969 | 4,092,824 | 5,751,325 | 4,745,833 | 6,285,827 | 5,595,689 | 6,588,373 | 5,782,546 | 7,362,093 | 6,501,885 |
| OTHER SPECIAL REVENUE COLLECTED | | 4,937,178 | 4,615,332 | 5,814,473 | 5,421,632 | 6,787,285 | 6,324,195 | 7,585,028 | 7,029,847 | 7,550,187 | 6,739,135 |
| ALLOCATED | | | | | | | | | | | |
| GENERAL FUND | | | | | | | | | | | |
| | PERSONAL SERVICES | | | | | | | | | | |
| | ALL OTHER | | | | | 17,635 | | | | | |
| | TOTAL | | | | | 17,635 | | | | | |
| OSR | PERSONAL SERVICES | 2,452,949 | 2,515,222 | 2,518,552 | 2,658,964 | 2,973,323 | 3,361,094 | 3,557,330 | 3,710,880 | 3,803,366 | 3,934,048 |
| | ALL OTHER | 1,449,298 | 1,496,875 | 1,530,731 | 1,576,524 | 1,673,601 | 1,752,084 | 1,984,064 | 2,037,739 | 2,251,884 | 2,331,814 |
| | TOTAL | 3,902,247 | 4,012,097 | 4,049,283 | 4,235,488 | 4,646,924 | 5,113,178 | 5,541,394 | 5,748,619 | 6,055,250 | 6,265,862 |
| EXPENDED | | | | | | | | | | | |
| GENERAL FUND | | | | | | | | | | | |
| | PERSONAL SERVICES | | | | | | | | | | |
| | ALL OTHER | | | | | 4,407 | | | | | |
| | TOTAL | | | | | 4,407 | | | | | |
| OSR | PERSONAL SERVICES | 2,339,796 | 2,338,684 | 2,302,483 | 2,548,624 | 2,878,255 | 3,043,584 | 3,285,467 | 3,368,120 | 3,452,844 | 3,459,096 |
| | ALL OTHER | 1,245,532 | 1,169,626 | 1,128,354 | 1,166,415 | 1,370,266 | 1,319,568 | 1,593,342 | 1,678,594 | 1,656,368 | 1,781,720 |
| | TOTAL | 3,585,328 | 3,508,309 | 3,430,838 | 3,715,039 | 4,248,521 | 4,363,151 | 4,878,808 | 5,046,714 | 5,109,211 | 5,240,816 |
| BUDGETED DICAP TRANSFER | | | | | | | | | | | |
| DICAP TRANSFERRED | | 690,331 | 1,410,579 | 781,156 | 751,245 | 866,922 | 1,246,890 | 1,254,145 | 1,269,587 | 1,109,879 | 1,090,285 |
| | | 801,298 | 1,166,121 | 695,546 | 682,253 | 845,764 | 1,269,497 | 1,309,279 | 1,037,590 | 1,896,621 | 1,031,373 |
| TRANSFERS TO THE GENERAL FUND | | | | | | | 1,192,223 | 231,539 | 155,705 | 2,353,824 | 1,960,083 |

PROGRAM: Manufactured Housing Federal Funds(0351)
 FUNDING SOURCE: Federal Expenditures Fund

| FISCAL YEAR: | | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|-------------------|-------------------|--------|--------|--------|--------|--------|--------|---------|--------|--------|--------|
| BUDGETED REVENUE | | 40,000 | 40,000 | 20,000 | 20,000 | | 20,000 | 20,000 | 45,000 | 25,000 | 25,000 |
| REVENUE COLLECTED | | 23,086 | 21,741 | 18,849 | 21,473 | 17,914 | 17,059 | 22,761 | 20,854 | 25,078 | 18,722 |
| ALLOCATED | | | | | | | | | | | |
| | PERSONAL SERVICES | | | | | | | | | | |
| | ALL OTHER | 40,000 | 40,000 | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 | 71,957 | 55,684 | 57,024 |
| | TOTAL | 40,000 | 40,000 | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 | 71,957 | 55,684 | 57,024 |
| EXPENDED | | | | | | | | | | | |
| | PERSONAL SERVICES | | | | | | | 516,250 | | | |
| | ALL OTHER | | 40,000 | 20,000 | 20,000 | 20,000 | 20,000 | 18,967 | 58,955 | 30,687 | 11,947 |
| | TOTAL | | 40,000 | 20,000 | 20,000 | 20,000 | 20,000 | 75,217 | 58,955 | 30,687 | 11,947 |

Maine Administrative Procedure Act
2007-08 Regulatory Agenda
September 24, 2007

AGENCY UMBRELLA-UNIT NUMBER: 02-041

AGENCY NAME: Department of Professional & Financial Regulation
Office of Licensing & Registration

CONTACT PERSON: Anne L. Head, Director, 35 State House Station, Augusta, ME 04333, tel. (207) 624-8633

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: NONE

EXPECTED 2007-2008 RULE-MAKING ACTIVITY:

Chapter 10: Establishment of License Fees (amendment)

STATUTORY AUTHORITY: 10 MRSA §8003(2-A)(D)

PURPOSE: Establishment of license and related fees for OLR programs. OLR amends the fee amounts contained in this rule on an ongoing basis. As OLR establishes fees for additional boards, the affected boards will most likely repeal their own fee rules the next time they initiate rulemaking for other purposes.

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

Chapter 11: Late Renewals

STATUTORY AUTHORITY: 10 MRSA §8003(2-A)(D)

PURPOSE: Amendment of rule as necessary in light of experience.

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

Chapter 13: Uniform Procedures for Substantiating Continuing Education Requirements

STATUTORY AUTHORITY: 10 MRSA §8003(2-A)(D)

PURPOSE: Amendment of rule as necessary in light of experience.

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Licensees, board staff, board members.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

Chapter xx: Uniform Complaint Procedures

STATUTORY AUTHORITY: 10 MRSA §8003(2-A)(D)

PURPOSE: Establishment of a uniform complaint procedure for all the OLR programs.

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Complainant, licensees, board staff, board members.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

Chapter xx: Uniform Policy on Protested Checks

STATUTORY AUTHORITY: 10 MRSA §8003(2-A)(D)

PURPOSE: Establishment of a uniform policy for all OLR programs regarding bounced checks.

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Licensees whose license checks are returned unpaid for insufficient funds or other reasons, OLR and board staff.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

Chapter xx: Continuing Education Hardship Deferments

STATUTORY AUTHORITY: 10 MRSA §8003(2-A)(D)

PURPOSE: Deferment *of* continuing education requirement for license renewal due to undue hardship.

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

Chapter xx: No specific title - see description of purpose below

STATUTORY AUTHORITY: 10 MRSA §8003(2-A)(D)

PURPOSE: "To establish by rule, such processes and procedures necessary to administer the various boards, **commissions** and regulatory functions of the office..."

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

Maine Administrative Procedure Act
2007 • 2008 Regulatory Agenda
September 18, 2007

AGENCY UMBRELLA-UNIT NUMBER: 02-280

AGENCY NAME: Department of Professional and Financial Regulation, Office of Licensing and Registration, Board of Accountancy

CONTACT PERSON: Cheryl Hersom, Board Administrator, Office of Licensing and Registration, Augusta, ME 04333, tel. 207/624-8605

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2007-2008 RULE-MAKING ACTIVITY:

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S.A. §12214(4)

PURPOSE: Clarify and defines terms used throughout the Board's rules. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 2: General Information

STATUTORY AUTHORITY: 32 M.R.S.A. §12214(4)

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying the guidelines relating to meetings, advisory rulings, and maintenance of records.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 3: Examination Requirements

STATUTORY AUTHORITY: 32 M.R.S.A. §12214(4)1 §12228(4), §12240(4)

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying the Computer-Based examination to be administered to Certified Public Accountants and Public Accountants.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 4: Application for Certificate

STATUTORY AUTHORITY: 32 M.R.S.A. §12214(4), §12228(10), §12240(2)

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying the certification requirements for Certified Public Accountants and Public Accountants.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 5: Permits to Practice, Individual

STATUTORY AUTHORITY: 32 M.R.S.A. §12214(4), §12251(4)(b)(3), §12251(5) .

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying the requirements for individual permits to practice and continuing professional education requirements for maintaining licensure.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 6: Permits to Practice, Firms

STATUTORY AUTHORITY: 32 M.R.S.A. §12214(4), §12252(2)

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying the requirements for [J]m permits to practice.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES; Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 8: Rules of Professional Conduct

STATUTORY AUTHORITY: 32 M.R.S.A. §12214(4)

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by adopting a code of professional conduct.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

Maine Administrative Procedure Act
2007-2008 Regulatory Agenda
September 18,2007

AGENCY UMBRELLA-UNIT NUMBER: 02-384

AGENCY NAME: Department of Professional & Financial Regulation
Office of Licensing & Registration
Board of Alcohol and Drug Counselors

CONTACT PERSON: Geraldine L. Betts, Board Administrator, 35 State House Station, Augusta, ME 04333, tel. (207) 624-8625

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: NONE

EXPECTED 2007-2008 RULE-MAKING ACTIVITY: Current rules may be reviewed and updated as may be necessary. The Board may revisit supervision requirements to define certain terms used such as: indirect supervision; direct supervision; and consultative supervision. Outdated or duplicative rules that may exist in 10 MRSA, Part 9, Chapter 901 and rules established by the Office of Licensing and Registration as authorized by 10 MRSA §8003 will be updated or repealed.

CHAPTER 1: Definitions.

PURPOSE: This chapter defines certain specialized terms used in the board's rules.

STATUTORY AUTHORITY: 32 MRSA §§6212

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 2: Advisory Rulings.

STATUTORY AUTHORITY: 5 MRSA §§8051, 9001

PURPOSE: This chapter provides for the discretionary issuance of advisory rulings by the board.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 3: Requirements for Registration as an Alcohol and Drug Counseling Aide (ADCA).

STATUTORY AUTHORITY: 32 MRSA §6212

PURPOSE: This chapter states the eligibility requirements for registration to practice as an alcohol and drug counseling aide. *This* chapter also requires ADCAs to provide prompt notice of change of employment.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 4: Requirements for Licensure as a Certified Alcohol and Drug Counselor (CADC).

STATUTORY AUTHORITY: 32 MRSA §§6212(I), 6214-C, 6216

PURPOSE: This chapter states the eligibility requirements for a certificate to practice as a certified alcohol and drug counselor, including application, education, experience and examination.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 5: Requirements for Licensure as a Licensed Alcohol and Drug Counselor (LADC).

STATUTORY AUTHORITY: 32 MRSA §§6212, 6214-D, 6216

PURPOSE: This chapter states the eligibility requirements for issuance of a license to practice as a licensed alcohol and drug counselor, including application, education, experience and examination.

ANTICIPATED SCHEDULE: Within one year! if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 6: Standards for Certification of Clinical Supervisors.

STATUTORY AUTHORITY: 32 MRSA §§6212, 6216

PURPOSE: This chapter states the eligibility requirements for certification to provide clinical supervision to alcohol and drug counseling aides, certified alcohol and drug counselors and licensed alcohol and drug counselors. This chapter also pennits certain persons providing clinical supervision on the effective date of this chapter to be certified without examination or detailed practice experience.

ANTICIPATED SCHEDULE: ~~Within~~ one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 7: Continuing Professional Education for Alcohol and Drug Counselors, Alcohol and Drug Counseling Aides and Certified Clinical Supervisors.

STATUTORY AUTHORITY: 32 MRSA §§6212, 6219, 6219-A, 6219-B

PURPOSE: This chapter describes the continuing education required for renewal of licenses, registrations and certificates.

ANTICIPATED SCHEDULE: Within **one** year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 8: Enforcement and Disciplinary Procedures.

STATUTORY AUTHORITY: 32 MRSA §§6212, 6217-A(7)

PURPOSE: This chapter sets forth the right of an applicant or an alcohol and drug counselor, alcohol and drug counseling aide, or certified clinical supervisor to appeal certain board actions. This chapter also specified the enforcement and disciplinary procedures used by the board and sets forth as standards of practice the board's interpretation of certain grounds for discipline contained in 32 MRSA §6217-A.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 9: Code of Ethics.

STATUTORY AUTHORITY: 32 MRSA §6212(9)

PURPOSE: This chapter contains the Code of Ethics for the performance of alcohol and drug counseling services.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

2007 - 2008 REGULATORY AGENDA

September 7, 2007

AGENCY UMBRELLA-UNIT NUMBER: 02-288

AGENCY NAME: Department of Professional & Financial Regulation
Office of Licensing & Registration
Board of Licensure of Architects, Landscape Architects and
Interior Designers

CONTACT PERSON: Carol I. Leighton

EMERGENCY RULES **ADOPTED** SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2007-2008 RULE-MAKING ACTIVITY:

CHAPTER I: Board Administration

STATUTORY AUTHORITY: 32 MRSA §214 (1)

PURPOSE: This Chapter establishes the Board's administrative procedures. It is anticipated that this Chapter will be repealed after adoption of rules proposed by the Board and scheduled to be considered in the fall of 2007. The Board does not plan to use consensus-based rule development in proposing changes.

ANTICIPATED SCHEDULE: Within 1 year.

AFFECTED PARTIES: Licensees and the **public**.

CHAPTER 2: Rules for Architects, Landscape Architects and Interior Designers

STATUTORY AUTHORITY: 32 MRSA §214 (1)

PURPOSE: This Chapter sets the qualifications for licensure, a code of conduct and the fee schedule. It is anticipated that this Chapter will be repealed and replaced with new chapters detailing the pathways to licensure for each of the professions licensed by the Board; the fee schedule will be repealed and the code of conduct will be repealed and replaced with a new chapter titled "professional conduct." The proposed rule changes are scheduled to be considered in the fall of 2007. As a result of public comment it may be necessary to further amend the proposed rules. It is also anticipated that the Board will consider the adoption of a rule to require mandatory continuing education as a condition for license renewal. The Board does not plan to use **consensus-based rule development** in proposing changes.

ANTICIPATED SCHEDULE: Within 1 year.

AFFECTED PARTIES: Licensees and the public.

Maine Administrative Procedure Act
2007 . 2008 Regulatory Agenda
September 18, 2007

AGENCY UMBRELLA·UNIT NUMBER: 02-035

AGENCY NAME: Department of Professional and Financial Regulation, Office of Licensing and Registration, Maine Athletic Commission

CONTACT PERSON: Cheryl Hersom, Board Administrator, Office of Licensing and Registration, 35 State House Station, Augusta, ME 04333, tel. 207/624-8605

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2007-2008 RULE·MAKING ACTIVITY: None

2007-2008 REGULATORY AGENDA

September 25, 2007

AGENCY UMBRELLA-UNIT NUMBER: 02-041-4391

AGENCY NAME: Department of Professional and Financial Regulation
Office of Licensing and Registration
Athletic Trainers

CONTACT PERSON:

Elaine Thibodeau, Program Administrator
Office of Licensing and Registration
Dept. of Professional & Financial Regulation
35 State House Station, Augusta, ME 04333
Tel. 207/624-8617
E-mail: elaine.m.thibodeau@Maine.gov

EMERGENCY RULES **ADOPTED** SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2007-2008 RULE-MAKING ACTIVITY: Currently no rules exist for this program; however, national standards may emerge from future recommendations by the National Athletic Trainer Association's Board of Certification?and which may be determined to be **appropriate** to **adopt in Maine**. Additional **changes** may ensue from future legislation and Sunset Review regarding scope-of-practice and to address the issue of "practice statute" versus "title statute."

CHAPTER NUMBER: N/A

CHAPTER TITLE: N/A

STATUTORY BASIS: None currently.

PURPOSE: To adopt future national uniform standards, as these emerge.

SCHEDULE FOR ADOPTION: Fall 2008.

AFFECTED PARTIES: Registrants and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

2007 - 2008 REGULATORY AGENDA

September 7, 2007

AGENCY UMBRELLA-UNIT NUMBER: 02-302

AGENCY NAME: Department of Professional & Financial Regulation
Office of Licensing & Registration
Board of Licensure of Auctioneers

CONTACT PERSON: Carol I. Leighton

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2007-2008 RULE-MAKING ACTIVITY:

CHAPTER 20: Fees

STATUTORY AUTHORITY: 32 MRSA §289

PURPOSE: This Chapter will need to be repealed. The Office of Licensing and Registration will amend its fee chapter to include fees for purposes related to the Auctioneers Board. The Board does not plan to use consensus-based rule development in proposing needed changes.

ANTICIPATED SCHEDULE: Within 1 year, if necessary.

AFFECTED PARTIES: Licensees.

CHAPTER 30: Qualifications for Licensure

STATUTORY AUTHORITY: 32 MRSA §289

PURPOSE: This Chapter establishes the qualifications for licensure. The Board may need to amend the chapter to increase the amount of the required bond. The Board does not plan to use consensus-based rule development in proposing needed changes.

ANTICIPATED SCHEDULE: Within 1 year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CHAPTER 50: Minimum Standards of Practice

STATUTORY AUTHORITY: 32 MRSA §289

PURPOSE: This Chapter establishes the standards of practice. The Board may need to make amendments to the standards of practice in response to changes in the business or complaints filed with the Board. The Board does not plan to use consensus-based rule development in proposing changes.

ANTICIPATED SCHEDULE: Within 1 year, if necessary.

AFFECTED PARTIES: Licensees and the public.

Maine Administrative Procedure Act
2007 - 2008 Regulatory Agenda
September 18, 2007

AGENCY UMBRELLA-UNIT NUMBER: 02-265

AGENCY NAME: Department of Professional & Financial Regulation
Office of Licensing & Registration
Board of Barbering and Cosmetology

CONTACT PERSON: Geraldine L. Betts, Board Administrator, 35 State House Station, Augusta, ME 04333, tel. (207) 624-8625

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: NONE

EXPECTED 2007-2008 RULE-MAKING ACTIVITY: The Board's current rules, Chapters 1 through 5, will be repealed and new rules adopted in their place. The Board expects to reorganize the structure of the rules and update all rules for compliance with laws currently in place. It is expected that the Board will review rules for consistency and to clarify terminology, to set standards and streamline the licensure requirements and the processing of applications, to update the examination process to reflect current practice, to revise the requirements for trainee programs and persons applying for temporary permits, to **strengthen** the safety requirements **and sanitation** procedures associated with services and the practice of aesthetics, barbering, cosmetology, and manicuring, to set standards for requiring continuing professional education in conjunction with licensing renewal, to clarify grounds for discipline and standards of practice, to establish standards for the issuance of citations for certain violations of laws and/or rules, and to establish a code of ethics for practitioners. Chapter 6 rules will be amended to include requirements and standards for aesthetic and manicuring instructor licensing. This chapter will also be amended to clarify requirements and procedures and make needed updates for licensing and regulating schools. Outdated or duplicative rules that may exist in 10 :MRSA, Part 9, Chapter 901 and rules established by the Office of Licensing and Registration as authorized by 10 MRSA §8003 will be updated or **repealed**.

CHAPTER 1: General Information

STATUTORY AUTHORITY: 32 MRSA §14212

PURPOSE: This rule establishes guidelines relating to meetings, examinations, advisory rulings, complaints, maintenance of records, and fees. The fee provisions of this chapter may be repealed in the event that fees are established directly by the Director of the Office of Licensing and Registration in chapter 10 of the Rules of the Office of Licensing and Registration pursuant to 10 MRSA §8003(2-A)(D).

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 2: Rules Relating to Cosmetologists, Barber, Aesthetician, and Manicurist Trainee.

STATUTORY AUTHORITY: 32 MRSA §14212

PURPOSE: These rules establish the requirements for eligibility, training, examination, and licensing of cosmetologists, manicurists, aestheticians, and barber trainees. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 3: Establishments, Booths where Cosmetology, Barbering, Aesthetics, Manicuring is Practiced.

STATUTORY AUTHORITY; 32 MRSA §14212

PURPOSE: These rules pertain to the application, inspections and licensing of establishments and booth rentals, including construction and safe operation. This chapter also sets sanitation standards and procedures for the practice of aesthetics, barbering, cosmetology, and manicuring, including the use of appliances, tools, equipment both electrical and non electrical in connection with the practice licensed. Rules pertaining to sanitation and safety requirements for licensed practitioners will be updated to reflect current practice needs and for the protection of the public receiving services. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 4: Rules for Certifying Barber and Cosmetology Instructors

STATUTORY AUTHORITY: 32 MRSA §14212

PURPOSE: These rules establish the requirements for the examination and licensing of barber and cosmetology instructors and standards for continuing professional education to be met for license renewal. The Board may set application, examination, and licensing requirements for manicuring and aesthetic instructors. The Board may need to amend this chapter to conform to recently adopted rules by the Office of Licensing and Registration on substantiation of continuing education by licensed practitioners.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 5: Requirements to Hold a Demonstrator License

STATUTORY AUTHORITY: 32 MRSA §14212

PURPOSE: These rules establish the qualifications for individuals who seek licensure to demonstrate machines, articles or techniques outside a licensed establishment pertaining to practices licensed by the Board. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 6: Rules for Qualifying and Licensing of Schools

STATUTORY AUTHORITY: 32 MRSA §14247

PURPOSE: Establishes requirements for the licensing and operation of schools offering student aesthetic, barbering, cosmetology, manicuring, and instructor programs. This chapter sets standards relating to each educational program, instructor qualifications, records and record keeping, health and sanitation, and safety and physical facilities. The Board may review this chapter and make needed changes to reflect current needs and requirements for the licensing and operation of schools and may include specific rules for schools offering single focused programs such as manicuring or aesthetics. The Board may also review this chapter for conformance with statutes and make updates as may be necessary.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Maine Administrative Procedure Act
2007 • 2008 Regulatory Agenda
September 18, 2007

AGENCY **UMBRELLA-UNIT** NUMBER: 02-035

AGENCY NAME: Department of Licensing and Registration, Office of Licensing and Registration, Board of Boilers and Pressure Vessels

CONTACT PERSON: Cheryl Herson, Board Administrator, Office of Licensing and Registration, 35 State House Station, Augusta, ME 04333, 207/624-8605

EMERGENCY **RULES** ADOPTED SINCE **THE** LAST REGULATORY AGENDA: None

EXPECTED 2007-2008 RULE-MAKING ACTIVITY:

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S.A. §15101, §15104-A, and §15109

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying the terms that are used in the rules adopted by the Board and terms used in statute not defined by statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS BASED RULE DEVELOPMENT: Ngt **contemplated**.

CHAPTER 2: Variances

STATUTORY AUTHORITY: 32 M.R.S.A. §15104-A, and §15104-B

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by prescribing the procedure for the filing of a petition for a variance.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 3: Board Meetings

STATUTORY AUTHORITY: 32 M.R.S.A. §15103 and §15104-A

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by establishing procedures for meetings of the Board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 4: Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S.A. §9001 and 32 M.R.S.A. §15104-A

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by establishing requirements and guidelines for the board's discretionary issuance of advisory rulings.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 11: National Codes Applicable to Boilers and Pressure Vessels

STATUTORY AUTHORITY: 32M.R.S.A. §15104-A

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by specifying the national safety codes and standards that apply to boilers and pressure vessels regulated in the **State of Maine**.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 12: Power Boilers

STATUTORY AUTHORITY: 32 M.R.S.A. §15104-A(1)

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by establishing requirements for the design, construction, installation, operation, and inspection of power boilers.

SCHEDULE FOR ADOPTION: Within one year, **if necessary**,

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 13: Low Pressure Boilers

STATUTORY AUTHORITY: 32 M.R.S.A. §15104-A(1)

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by establishing specific requirements for the identification, construction, installation, inspection, and operation of low pressure boilers.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 14: Pressure Vessels

STATUTORY AUTHORITY: 32 M.R.S.A. §15104-A(I), and §15109(8)

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by establishing requirements for the design, construction, installation, inspection, and operation of pressure vessels.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 15: Repairs and Alterations

STATUTORY AUTHORITY: 32 M.R.S.A. §15104, §15109(8) and §15110

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by establishing requirements for performing welded repairs, mechanical replacement of pressure parts, and alterations on boilers or pressure vessels.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 21: Duties and Responsibilities of All **Owners of Boilers and Pressure Vessels**

STATUTORY AUTHORITY: 32 M.R.S.A. §15104-A, §15119 and §15121

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by establishing general guidelines of all owners of boilers and pressure vessels.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 31: Inspectors

STATUTORY AUTHORITY: 32 M.R.S.A. §15104-A and §15108-A

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by establishing requirements for initial and renewal licensure of inspectors.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 32: Boiler Operators and Stationary Steam Engineers

STATUTORY AUTHORITY: 32 M.R.S.A. §15104-A and §15109

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by establishing requirements for licensure and responsibilities of boiler operators and stationary steam engineers.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

2007-2008 REGULATORY AGENDA

September 25, 2007

AGENCY UMBRELLA-UNIT NUMBER: 02-041-4076

AGENCY NAME: Department of Professional and Financial Regulation
Office of Licensing and Registration
Charitable Solicitation

CONTACT PERSON:

Elaine Thibodeau, Program Administrator
Office of Licensing and Registration
Dept. of Professional & Financial Regulation
35 State House Station, Augusta, ME 04333
Tel. 207/624-8617
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EMERGENCY RULES **ADOPTED** SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2007-2008 RULE-MAKING ACTIVITY:

CHAPTER NUMBER: 1

CHAPTER TITLE: **Registration** Applications and Financial Statements

STATUTORY BASIS: 9 MRSA §5018

PURPOSE: This chapter contains provisions relating to the submission of registration applications and financial statements required to be **filed** with the Office of Licensing and Registration under the Maine Charitable Solicitations Act. Pursuant to legislation enacted as PL 2005 Chapter 497, rule changes will:

- delete the requirement that Professional Fund-raising Counsel carry a \$25,000 surety bond;
- exempt businesses donating less than \$10,000 annually to Charitable Organizations from the registration requirement for Commercial Co-venturers; and
- exempt from the registration requirement individuals who contract with Charitable Organizations to provide grant-writing services for the purpose of obtaining money or property from foundations.

Pursuant to legislation enacted as PL 2007 Chapter 402 amending 9 MRSA §5004, sub-§4(A), the renewal notification requirement will be deleted.

In addition, the proper interpretation of the address-disclosure requirement contained in Sections 5004(3)(B) and 5012 will be explained: It is not unusual for a charity that is based out-of-state to disclose only a Maine post office box when soliciting in Maine. A rule clarifying that "fully" disclose (as required by sec. 5012) means that charities, and **professional** solicitors **acting on their behalf**, must **disclose their principal** address (as reported pursuant to sec. 5004(3)(B)) would reduce consumer confusion as to where a charity is located.

Pursuant to possible future legislation and Sunset Review, the information required of applicants for licensure and renewal may be expanded and would need to be detailed through rulemaking, as would any further articulation regarding emerging means of solicitation.

SCHEDULE FOR ADOPTION: Fall 2008.

AFFECTED PARTIES: Licensees.
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER NUMBER: 2
CHAPTER TITLE: Annual Fundraising Activity Reports
STATUTORY BASIS: 9 M.R.S.A., §5018
PURPOSE: This chapter explains how charitable organizations and professional solicitors shall calculate their remittances and retentions from the prior year in order to comply with the requirement to file an annual report of the prior year's fund-raising activity. Changes may be required if clarification is found to be necessary.
SCHEDULE FOR ADOPTION: Fall 2008.
AFFECTED PARTIES: Licensees.
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER NUMBER: 3:
CHAPTER TITLE: Enforcement and Disciplinary Procedures
STATUTORY BASIS: 9 M.R.S.A., §5018
PURPOSE: This chapter sets forth the right of an applicant or a licensee to appeal certain regulatory actions. This chapter also specifies the enforcement and disciplinary procedures used by the Office of Licensing & Registration. Pursuant to possible future legislation and Sunset Review, rule changes may be necessary to implement an expansion of the Commissioner's authority to withhold licensure, in certain instances.
SCHEDULE FOR ADOPTION: Fall 2008
AFFECTED PARTIES: Licensees and the general public.
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

Maine Administrative Procedure Act
2007-2008 Regulatory Agenda
September 18,2007

AGENCY UMBRELLA-UNIT NUMBER: 02-297

AGENCY NAME: Department of Professional & Financial Regulation
Office of Licensing & Registration
Board of Chiropractic Licensure

CONTACT PERSON: Geraldine L. Betts, Board Administrator, 35 State House Station, Augusta, ME 04333, tel. (207) 624-8625

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: NONE

EXPECTED 2007-2008 RULE-MAKING ACTIVITY: The Board may review rules and update rules as may be needed, which may include updating the licensing requirements and procedures for chiropractors, chiropractic acupuncture, assistants and issuance of temporary certificates. Continuing education requirements will be reviewed and updated as may be necessary, including national program and sponsor approval systems currently available. Amendment of these requirements may affect several rule chapters and may require updating various chapters. Outdated or duplicative rules that may exist in 10 MRSA, Part 9, Chapter 901 and rules established by the Office of Licensing and Registration as authorized by 10 MRSA §8003 will be updated or repealed.

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 MRSA §502

PURPOSE: Clarify and defines terms used throughout the Board's rules. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 2: General Provisions

STATUTORY AUTHORITY: 32 MRSA §502

PURPOSE: The chapter contains provisions describing the conduct of meetings and hearings, acting on requests for advisory rulings, complaint and investigation procedures and record keeping. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 3: Licensure Requirement for Chiropractic Doctors

STATUTORY AUTHORITY: 32 MRSA §§502, 551, and 552

PURPOSE: The chapter establishes requirements for issuance of a license to practice chiropractic, including application, education, experience, and references. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: License applicants

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 4: Requirements for Certifying Chiropractors to Practice Chiropractic Acupuncture

STATUTORY AUTHORITY: 32 MRSA §502

PURPOSE: The chapter establishes acceptable qualifications, procedures and continuing education requirements for certifying licensed chiropractors in the practice of chiropractic acupuncture. The Board may need to amend this chapter to conform to recently adopted rules by the Office of Licensing and Registration on substantiation of continuing education by licensed practitioners.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: License applicants and licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 5: Certification Requirement for Chiropractic Assistants and the Issuance of Temporary Certificates for Chiropractic Assistants

STATUTORY AUTHORITY: 32 MRSA §§502, 555, and 556

PURPOSE: Establishes requirements for issuance of a certificate to function as a certified chiropractic assistant, and the issuance of a temporary certificate to function as a certified chiropractic assistant. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 6: Continuing Professional Education

STATUTORY AUTHORITY: 32 MRSA §§502 and 553-A(2)

PURPOSE: Establishes requirements for continuing professional education to be completed by licensees for licensing renewal. The Board may need to amend *this* chapter to conform to recently adopted rules by the Office of Licensing and Registration on substantiation of continuing education by licensed practitioners.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 7: Enforcement and Disciplinary Procedures

STATUTORY AUTHORITY: 32 MRSA §§502

PURPOSE: Establishes the enforcement and disciplinary procedures, including grounds for discipline and clarification of terms. The Board may review this chapter for conformance with current statutes and make changes as needed.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 8: Code of Ethics

STATUTORY AUTHORITY: 32 MRSA §§502

PURPOSE: Establishes standards of professional practice in the practice of chiropractic services. The Board may review this chapter and make changes to reflect current practice expectations for the protection of the public being served.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 9: Fees

STATUTORY AUTHORITY: 32 MRSA §§502, 553-A, and 558

PURPOSE: Establishes fees to be charged for applications and licenses issued by the Board.

The Board may repeal this rule in the event that fees for this program are established directly by the Office of Licensing and Registration pursuant to 10 MRSA §8003(2-A)(D).

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Maine Administrative Procedure Act
2007-2008 Regulatory Agenda
September 18, 2007

AGENCY UMBRELLA-UNIT NUMBER: 02-502

AGENCY NAME: Department of Professional & Financial Regulation
Office of Licensing & Registration
Board of Complementary Health Care Providers

CONTACT PERSON: Geraldine L. Betts, Board Administrator, 35 State House Station, Augusta; ME 04333, tel. (207) 624-8625

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: NONE

EXPECTED 2007-2008 RULE-MAKING ACTIVITY: The Board may consider reviewing and updating rules for prescribing noncontrolled legend drugs by naturopathic doctors, and standards for collaborative relationships between a licensed allopathic or osteopathic physician and the naturopathic doctor. The Board may further consider amending the requirements for licensing and continuing education for acupuncturists and naturopathic doctors. Outdated or duplicative rules that may exist in 10 MRSA, Part 9, Chapter 901 and rules established by the Office of Licensing and Registration as authorized by 10 MRSA §8003 will be updated or repealed.

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 MRSA §12503

PURPOSE: Clarifies and defines terms used throughout the Board's rules. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 2: General Provisions

STATUTORY AUTHORITY: 32 MRSA §12503

PURPOSE: The chapter contains provisions describing the conduct of meetings and hearings, acting on requests for advisory rulings, complaint and investigation procedures and record keeping. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 3: Licensure Requirement for Acupuncturists

STATUTORY AUTHORITY: 32 MRSA §§12503 (B) and (D) and 12512

PURPOSE: The chapter establishes requirements for issuance of a license to practice acupuncture, including application, education, experience, and references. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: License applicants

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 4: Licensure Requirement for Naturopathic Doctors

STATUTORY AUTHORITY: 32 MRSA §12525

PURPOSE: The chapter establishes requirements for issuance of a license to practice naturopathy, including application, education, experience, and references. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: License applicants

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Chapter 5: Standards for Continuing Professional Education for Acupuncture and Naturopathic Doctors

STATUTORY AUTHORITY: 32 MRSA §12526

PURPOSE: The chapter states the requirements for continuing education as required for acupuncturists and naturopathic doctors. The Board may need to amend this chapter to conform to recently adopted rules by the Office of Licensing and Registration on substantiation of continuing education by licensed practitioners.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships

STATUTORY AUTHORITY; 32 MRSA §§12503(1)(A & B), and 12506

PURPOSE: The formulary listing may be subject to updates and/or revisions based on federal or state standards with regard to noncontrolled legend drugs which may be prescribed according to 32 MRSA§ 12522.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 7: Enforcement and Disciplinary Procedures

STATUTORY AUTHORITY: 32MRSA §12503

PURPOSE: Establishes the enforcement and disciplinary procedures, including grounds for discipline and clarification of terms. The Board may review this chapter for conformance with current statutes and make changes as needed.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 8: Code of Ethics

STATUTORY AUTHORITY: 32 MRSA §12503(B)

PURPOSE: Establishes standards of professional practice in the practice of acupuncture and naturopathic medicine. The Board may review this chapter and make changes to reflect current practice expectations for the protection of the public being served.

ANTICIPATED SCHEDULE: Within one year, if necessary

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 9: Fees

STATUTORY AUTHORITY: 32 MRSA §§12514 (2) and 12526 (1)

PURPOSE: Establish fees at a level that insures the financial integrity of the Board. This chapter will be repealed. Fees have been established directly by the Director of the Office of Licensing and Registration in Chapter 10 of the Rules of the Office of Licensing and Registration pursuant to 10 MRSA §8003(2-A)(D).

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

2007 - 2008 REGULATORY AGENDA

September 24, 2007

AGENCY UMBRELLA-UNIT NUMBER: 02-514

AGENCY NAME:

Department of Professional and Financial Regulation
Office of Licensing & Registration
Board of Counseling Professionals Licensure

CONTACT PERSON:

Penny Vaillancourt, Board Administrator
35 State House Station
Augusta, Maine 04333-0035
Tel: (207) 624-8420

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY
AGENDA: None.

EXPECTED 2007-2008 RULEMAKING ACTIVITY:

A complete repeal and replacement of Chapters 7-10 will occur for the purpose of examining the continuing education requirements and developing registration requirements. In addition, the board will be considering major revisions to standards of practice, disciplinary enforcement provisions, client bill of rights, disclosure statements, and codes of ethics.

STATUTORY AUTHORITY: 32 M.R.S.A., §13853 (2),13853(11),
13858(8),13861(1)(1),13864, and 10 MRSA §8003(2-A)(D).

SCHEDULE FOR ADOPTION: Winter 2008.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S.A., §13853 (2),13853(11),
13858(8),13861(1)(1),13864

PURPOSE: The board will revise its rules to ensure clarity and conformity with the enabling statute by clarifying the terms that are used in the rules adopted by the Board and terms used in statute not defined by statute.

SCHEDULE FOR ADOPTION: Winter 2008.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 2: Licensed Professional Counselors

STATUTORY AUTHORITY: 32 M.R.S.A., §13853 (2),13853(11), 13858(8), 13861 (1)(1), 13864

PURPOSE: The board will revise its rules that outline the educational requirements, examination procedure, and the supervisory requirements for licensure.

SCHEDULE FOR ADOPTION: Winter 2008.

AFFECTED PARTIES: Applicants for licensure and licensees involved in supervision.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 3: Licensed Clinical Professional Counselor

STATUTORY AUTHORITY: 32 M.R.S.A., §13853 (2),13853(11), 13858(8), 13861 (1)(1), 13864

PURPOSE: The board will revise its rules that outline the educational requirements, examination procedure, and the supervisory requirements for licensure.

SCHEDULE FOR ADOPTION: Winter 2008.

AFFECTED PARTIES: Applicants for licensure and licensees involved in supervision.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 4: Licensed Marriage and Family Therapists

STATUTORY AUTHORITY: 32 M.R.S.A., §13853 (2),13853(11), 13858(8), 13861 (1)(1), 13864

PURPOSE: The board will revise its rules that outline the educational requirements, examination procedure, and the supervisory requirements for licensure.

SCHEDULE FOR ADOPTION: Winter 2008.

AFFECTED PARTIES: Applicants for licensure and licensees involved in supervision.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 5: Licensed Pastoral Counselors

STATUTORY AUTHORITY: 32 M.R.S.A., §13853 (2) 13853(11), 13858(8), 13861 (1)(1), 13864

PURPOSE: The board will revise its rules that outline the educational requirements, examination procedure, and the supervisory requirements for licensure.

SCHEDULE FOR ADOPTION: Winter 2008.

AFFECTED PARTIES: Applicants for licensure and licensees involved in supervision.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

2007 - 2008 REGULATORY AGENDA

September 24,2001

AGENCY UMBRELLA-UNIT NUMBER: 02-344

AGENCY NAME:

Department of Professional and Financial Regulation
Office of Licensing & Registration
Board of Licensing of Dietetic Practice

CONTACT PERSON:

Penny Vaillancourt, Board Administrator
35 State House Station
Augusta, Maine 04333-0035
Tel: (207) 624-8420

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY
AGENDA: None

EXPECTED 2007-2008 RULEMAKING ACTIVITY:

CHAPTER 1: General Information

STATUTORY AUTHORITY: 32 M.R.S.A., §9904(2)

PURPOSE: The board may review and revise its rules outlining the guidelines relating to meetings, records and advisory rulings.

SCHEDULE FOR ADOPTION: Winter 2008.

AFFECTED PARTIES: Consumers, applicants for licensure and existing licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 2: Rules for Licensing of Dietetic Practice

STATUTORY AUTHORITY: 32 M.R.S.A., §9904(2), and 10 MRSA §8003(2-A)(D)

PURPOSE: The board may review and revise its rules regarding licensure in dietetic practice, including educational requirements, examination requirements, application and licensing procedures, fees, and continuing education requirements. Provisions may be added pertinent to the staff review of applications. The Board may repeal existing fee provisions now that OIR has established fees for this board directly pursuant to 10 MRSA §8003(2-A)(D) and Rule 02-041 Chapter 10.

SCHEDULE FOR ADOPTION: Winter 2008.

AFFECTED PARTIES: Applicants for licensure and existing licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 3: Complaints and Investigations

STATUTORY AUTHORITY: 32 M.R.S.A., §9904(2)

PURPOSE: The board may review and revise its rules describes the procedure by which complaints and investigations will be handled by the Board.

SCHEDULE FOR ADOPTION: Winter 2008.

AFFECTED PARTIES: Consumers, applicants for licensure and existing licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 4: Code of Ethics

STATUTORY AUTHORITY: 32 M.R.S.A., §9904(2)

PURPOSE: The board may review and revise its rules regarding codes of ethics for licensed dietitians and dietetic technicians.

SCHEDULE FOR ADOPTION: Winter 2008.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

Maine Administrative Procedure Act
2007 - 2008 Regulatory Agenda
September 18, 2007

AGENCY UMBRELLA-UNIT NUMBER: 02-318

AGENCY NAME: Department of Professional and Financial Regulation, Office of Licensing and Registration, Electricians' Examining Board

CONTACT PERSON: Cheryl Hersom, Board Administrator, Office of Licensing and Registration, 35 State House Station, Augusta, ME 04333, tel. 207/624-8605

EMERGENCY RULES **ADOPTED** SINCE **THE** LAST REGULATORY AGENDA: None

EXPECTED 2007-2008 RULE-MAKING ACTIVITY:

CHAPTER 100: General Provisions

STATUTORY AUTHORITY: 32 M.R.S.A. §1153 and 5 M.R.S.A. §9001(4)

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by establishing guidelines relating to meetings, advisory rulings, and maintenance of records.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 110: Conflict of Interest

STATUTORY AUTHORITY: 32 M.R.S.A. §1153

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by outlining the Board members responsible conduct in dealing with Board official duties.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 120: Electrical Installation Standards

STATUTORY AUTHORITY: 32 M.R.S.A. §1153 and §1153-A

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute, adopting by reference the current edition of the National Electrical Code in which all installations must conform.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 130: Examination and Licensing Requirements

STATUTORY AUTHORITY: 32 M.R.S.A. §1153, §1202 and §1204

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying the examination and licensing requirements to become licensed as an electrician.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 150: Reciprocity

STATUTORY AUTHORITY: 32 M.R.S.A. §1153 and §1206

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying the procedures for qualifying for licensure by **reciprocity**.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 160: Complaints, Investigations and Adjudicatory Hearings

STATUTORY AUTHORITY: 32 M.R.S.A. §1153

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by describing the procedure by which complaints and adjudicatory hearings will be handled by the Board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

Maine Administrative Procedure Act
2007 - 2008 Regulatory Agenda
September 18, 2007

AGENCY UMBRELLA-UNIT NUMBER: 02-386

AGENCY NAME: Department of Professional and Financial Regulation, Office of Licensing and Registration, Board of Elevator and Tramway Safety

CONTACT PERSON: Cheryl Hersom, Board Administrator, Office of Licensing and Registration, 35 State House Station, Augusta, ME 04333, tel. 207/624-8605

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2007-2008 RULE-MAKING ACTIVITY:

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S.A. §15202 and §15206

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying terms that are used in the rules adopted by the Board and terms used in Title 32, Chapter 133, but not defined by statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees, elevator and tramway owners, and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 3: Variances

STATUTORY AUTHORITY: 32 M.R.S.A. §15204 and §15206

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying the procedures for the filing of a petition for a variance.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees, elevator and tramway owners, and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 11: National Codes Applicable to Elevators and Tramways

STATUTORY AUTHORITY: 32 M.R.S.A. §15206

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by adopting national codes and standards that apply to elevators and tramways installed in the State of Maine.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees, elevator and tramway owners and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 13: Elevators

STATUTORY AUTHORITY: 32 M.R.S.A. §15206, §15221, §15224, §15227, §15228 and §15229

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying the specific requirements for elevators.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees, elevator owners and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 14: Vertical Reciprocating Conveyors

STATUTORY AUTHORITY: 32 M.R.S.A. §15206, §15221, §15224, §15227, §15228 and §15229

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying the specific requirements for vertical reciprocating conveyors.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees, elevator owners and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 15: Tramways

STATUTORY AUTHORITY: 32 M.R.S.A. §15206, §15221, §15224 and §15229

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying the specific requirements for tramways.

SCHEDULE FOR ADOPTION: **Within** one year, if necessary.

AFFECTED PARTIES: Tramway Owners and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 21: Elevator Owners' Duties and Responsibilities

STATUTORY AUTHORITY: 32 M.R.S.A. §15206, §15211, §15212, §15221 and §15229

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying general duties and responsibilities of owners of elevators.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Elevator Owners and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 23: Tramways Owners' Duties and Responsibilities

STATUTORY AUTHORITY: 32 M.R.S.A. §15206, §15211, §15212, §15221 and §15229

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying general duties and responsibilities of owners of tramways.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Tramway Owners and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 31: Licensed Private Elevator Inspectors

STATUTORY AUTHORITY: 32 M.R.S.A. §15206, §15208, §15216-C, §15221 and §15226

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying the requirements for initial and annual licensure of private elevator inspectors.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 33: Licensed Private Tramway Inspectors

STATUTORY AUTHORITY: 32 M.R.S.A. §15206, §15209, §15216-C, §15221 and §15226

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying the requirements for initial and renewal licensure of private tramway inspectors.

SCHEDULE FOR ADOPTION: **Within one year, if necessary.**

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 35: Licensed Wire Rope Inspectors

STATUTORY AUTHORITY: 32 M.R.S.A. §15206, §15209-A, §15216-C, §15221 and §15226

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying the requirements for initial and renewal licensure of private wire rope inspectors.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 37: Licensed Elevator Mechanics

STATUTORY AUTHORITY: 32 M.R.S.A. §15206, §15213-15216 and §15216-C

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying the requirements for initial and renewal licensure of elevator mechanics.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 39: Licensed Lift Mechanics

STATUTORY AUTHORITY: 32 M.R.S.A. §15206, §15213-15216 and §15216-C

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying the requirements for initial and renewal licensure of lift mechanics.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 41: Elevator Contractors

STATUTORY AUTHORITY: 32 M.R.S.A. **§15206 and §15208-A**

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying the requirements for initial and renewal registration of elevator contractors.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

2007 - 2008 REGULATORY AGENDA

September 7, 2007

AGENCY UMBRELLA-UNIT NUMBER: 02-333

AGENCY NAME: Department of Professional & Financial Regulation
Office of Licensing & Registration
Board of Licensure of Professional Foresters

CONTACT PERSON: Carol Leighton

EMERGENCY **RULES** ADOPTED SINCE THE LAST **REGULATORY AGENDA**: NONE

EXPECTED 2007-2008 RULE-MAKING ACTIVITY:

CHAPTER 10: Definitions

STATUTORY AUTHORITY: 32 MRSA §5506

PURPOSE: This Chapter defines specialized terms that are used in the Board's rules. Publication of a new edition of the Dictionary of Forestry would require the Board to amend this chapter. The Board does not plan to use consensus-based rule development in proposing any changes.

ANTICIPATED SCHEDULE: Within 180 days.

AFFECTED PARTIES: Licensees.

CHAPTER 40: Educational Qualifications for Issuance of an Intern Forester License

STATUTORY AUTHORITY: 32 MRSA §5506

PURPOSE: This Chapter establishes standards for approval of educational programs that qualify graduates to apply for intern forester licenses. The case-by-case review of an applicant's educational experience may be amended as the Board evaluates applications. The Board does not plan to use consensus-based rule development in proposing the repeal.

ANTICIPATED SCHEDULE: Within 180 days.

AFFECTED PARTIES: Licensees and the public.

CHAPTER 60: Sponsorship of Intern Foresters

STATUTORY AUTHORITY: 32 MRSA §5506

PURPOSE: This Chapter establishes the responsibility of intern foresters and their sponsors. This chapter may need to be amended to clarify the registration process. The Board does not plan to use consensus-based rule development in proposing the repeal.

ANTICIPATED SCHEDULE: Within 180 days.

AFFECTED PARTIES: Licensees and the public.

CHAPTER 70: Licensure as Forester

STATUTORY AUTHORITY: 32 MRSA §5506

PURPOSE: This Chapter describes the licensure process following completion of the internship. Amendments to paragraph 3 (examination process) will be necessary to update this section to describe the recently adopted SAF examination process. This chapter may also need to be amended to clarify the licensing procedure. The Board does not plan to use consensus-based rule development in proposing changes.

ANTICIPATED SCHEDULE: Within 180 days.

AFFECTED PARTIES: Licensees and the public.

CHAPTER 80: Continuing Forestry Education

STATUTORY AUTHORITY: 32 MRSA §5506

PURPOSE: This Chapter establishes the minimum continuing education required for license renewal. The Board may propose changes to create a 'retiree' category and adopt rules for licensees activating an inactive license. In addition, this chapter may need to be amended to clarify the classifications of acceptable continuing education and the reporting process. The Board does not plan to use consensus-based rule development in proposing changes.

ANTICIPATED SCHEDULE: Within 180 days.

AFFECTED PARTIES: License Applicants.

CHAPTER 100: Code of Ethics

STATUTORY AUTHORITY: 32 MRSA §5506

PURPOSE: This Chapter defines unprofessional practice as failure to comply with the Code of Ethics adopted by the Board in this Chapter. This chapter may be amended as necessary to address unprofessional conduct resulting from Board complaints and changes in forestry practice. The Board does not plan to use consensus-based rule development in proposing changes.

ANTICIPATED SCHEDULE: Within 180 days.

AFFECTED PARTIES: Licensees and the public.

2007 - 2008 REGULATORY AGENDA

September 24, 2007

AGENCY UMBRELLA-UNIT NUMBER: 02-331

AGENCY NAME:

Department of Professional and Financial Regulation
Office of Licensing & Registration
Board of Funeral Service

CONTACT PERSON:

Penny Vaillancourt, Board Administrator
35 State House Station
Augusta, Maine 04333-0035
Tel: (207) 624-8420

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY
AGENDA: None.

EXPECTED 2007-2008 RULEMAKING ACTIVITY:

Complete Repeal & Replacement in-Progress--

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S.A. , §§1451 and 1501

PURPOSE: The board may review and revise its rules that define terms related
to the practice of funeral service.

SCHEDULE FOR ADOPTION: Winter 2008.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 2: Meetings and Officers of the Board

STATUTORY AUTHORITY: 32 M.R.S.A. , §§1451 and 1501

PURPOSE: The board may review and revise its rules regarding the meeting
procedures and officers of the Board.

SCHEDULE FOR ADOPTION: Winter 2008.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS"BASED RULE DEVELOPMENT: Not expected.

CHAPTER 3: Educational Requirements

STATUTORY AUTHORITY: 32 M.R.S.A., §§1451 and 1501

PURPOSE: The board may review and revise, in conjunction with 32 MRSA §1501, the educational requirements for a person seeking licensure as a practitioner of funeral service in the State of Maine.

SCHEDULE FOR ADOPTION: Winter 2008.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 4: Examination and Application for Licensure as a Practitioner of Funeral Service

STATUTORY AUTHORITY: 32 M.R.S.A., §§1451 and 1501

PURPOSE: The board may review and revise the type of examinations administered and provides other specific information pertaining to the examination and application process for persons applying for licensure as a practitioner of funeral service.

SCHEDULE FOR ADOPTION: Winter 2008.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 5: Practitioner Trainees

STATUTORY AUTHORITY: 32 M.R.S.A., §§1451 and 1501

PURPOSE: The board may review and revise the 2,000-hour apprenticeship to be completed by practitioner trainees prior to application for licensure as a practitioner of funeral service.

SCHEDULE FOR ADOPTION: Winter 2008.

AFFECTED PARTIES: Applicants for trainee status, practitioner trainees, and applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 6: Reciprocal Agreements

STATUTORY AUTHORITY: 32 M.R.S.A., §1451

PURPOSE: The board may review and revise the procedures and requirements for licensure by reciprocal agreements.

SCHEDULE FOR ADOPTION: Winter 2008.

AFFECTED PARTIES: Licensees of other jurisdictions seeking to achieve licensed status in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 7: Funeral Establishments

STATUTORY AUTHORITY: 32 M.R.S.A., §1451

PURPOSE: The board may review and revise the registration obligations for funeral establishments.

SCHEDULE FOR ADOPTION: Winter 2008.

AFFECTED PARTIES: Funeral homes.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 8: Safety and Health Standards

STATUTORY AUTHORITY: Title 32 M.R.S.A., §§1451 and 1501
PURPOSE: The board may review and revise its rules regarding the protection of the safety and health of the general public by setting forth the equipment- and health-related requirements applicable to licensed funeral establishments.
SCHEDULE FOR ADOPTION: Winter 2008.
AFFECTED PARTIES: Consumers and licensees.
CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 9: Complaints and Inspections
STATUTORY AUTHORITY: 32 M.R.S.A., §§1451 and 1501
PURPOSE: The board may review and revise the procedure by which complaints and inspections will be handled by the Board and explains protocol regarding visits by the Funeral Inspector.
SCHEDULE FOR ADOPTION: Winter 2008.
AFFECTED PARTIES: Consumers and licensees.
CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 10: General Rules / Scope of Practice
STATUTORY AUTHORITY: 10 M.R.S.A., §§1451 and 1501
PURPOSE: The board may review and revise its rules regarding: (1) hairdressing and cosmetology, (2) the scope of practice of funeral directors and funeral attendants, (3) the referral of inquiries to a licensed practitioner, (4) mandatory disclosures, and other topics. Provisions may be added to address criteria for reactivation of an inactive license.
SCHEDULE FOR ADOPTION: Winter 2008.
AFFECTED PARTIES: Licensees.
CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 11: Continuing Education Requirement
STATUTORY AUTHORITY: 32 M.R.S.A., §1506
PURPOSE: The board may review and revise its rules, in conjunction with 32 M.R.S.A. §1506, regarding continuing education requirements for license renewal.
SCHEDULE FOR ADOPTION: Winter 2008.
AFFECTED PARTIES: Licensees.
CONSENSUS-BASED RULE DEVELOPMENT: Recommendations were made by the DPFR Funeral Act Review Group.

CHAPTER 12: Transportation of Human Remains
STATUTORY AUTHORITY: 32 M.R.S.A., §1451
PURPOSE: The board may review and revise its rules regarding the transportation of human remains.
SCHEDULE FOR ADOPTION: Winter 2008.
AFFECTED PARTIES: Licensees.
CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 13: Disinterment

STATUTORY AUTHORITY: 32 M.R.S.A., §1451

PURPOSE: The board *may* review and revise its rules regarding the disinterment of human remains by licensees of funeral service.

SCHEDULE FOR ADOPTION: Winter 2008.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 14: Temporary Storage

STATUTORY AUTHORITY: 32 M.R.S.A., §1451

PURPOSE: The board may review and revise its rules regarding the storage of human remains by licensees of funeral service.

SCHEDULE FOR ADOPTION: Winter 2008.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 15: Code of Ethics

STATUTORY AUTHORITY: 32 M.R.S.A., §1451

PURPOSE: The board may review and revise its rules regarding the established code of ethics for licensees of the Board.

SCHEDULE FOR ADOPTION: Winter 2008.

AFFECTED PARTIES: Consumers and licensee\$.

CONSENSUS-BASED RULE DEVELOPMENT: Recommendations were made by the DPFR Funeral Act Review Group.

CHAPTER 16: Prearranged Funerals and Burial Plans--Mortuary Trust Agreements

STATUTORY AUTHORITY: 32 M.R.S.A., §§1401(2) and1451

PURPOSE: The board may review and revise the forms of mortuary trust agreements for use in Maine. The Board may further address the question of funding Mortuary Trust Accounts with Life Insurance.

SCHEDULE FOR ADOPTION; Winter 2008.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

Maine Administrative Procedure Act
2007 • 2008 Regulatory Agenda
September 18, 2007

AGENCY UMBRELLA UNIT NUMBER: 02-070

AGENCY NAME: Department of Professional and Financial Regulation, Office of Licensing and Registration, State Board of Certification for Geologists and Soil Scientists

CONTACT PERSON: Cheryl Hersom, Board Administrator, Office of Licensing and Registration, 35 State House Station, Augusta, ME 04333, tel. 207/624-8605

EMERGENCY RULES ADOPTED SINCE THE **LAST** REGULATORY AGENDA: None

EXPECTED 2007-2008 RULE-MAKING ACTIVITY:

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S.A. §4908

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying wording of the law.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 2: General Information

STATUTORY AUTHORITY: 32 M.R.S.A. §4908

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute to establish guidelines relating to meetings, advisory rulings, and maintenance of records.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 3: Code of Ethics

STATUTORY AUTHORITY: 32 M.R.S.A. §4908

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute to promulgate a code of ethics to assist in the protection of the public welfare.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 4: Certification Requirements

STATUTORY AUTHORITY: 32 M.R.S.A. §4908

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute to describe the procedures to be followed in determining whether an applicant is eligible to be certified as a geologist or soil scientist.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 6: Complaints, Investigations and Adjudicatory Hearings

STATUTORY AUTHORITY: 32 M.R.S.A. §4908

PURPOSE: The Board may review and revise its **rules** to ensure clarity and conformity with the enabling statute to describe the procedures by which complaints and adjudicatory hearings will be handled by the Board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

2007 - 2008 REGULATORY AGENDA

September 24, 2007

AGENCY UMBRELLA-UNIT NUMBER: 02-164

AGENCY NAME:

Department of Professional and Financial Regulation
Office of Licensing & Registration
Board of Hearing Aid Dealers and Fitters

CONTACT PERSON:

Penny Vaillancourt, Board Administrator
35 State House Station
Augusta, Maine 04333-0035
Tel: (207) 624-8420

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:

None.

EXPECTED 2007..2008 RULEMAKING ACTIVITY: The board's rules may be repealed pursuant to PL 2007, c. 369, §C-4 upon the adoption of superseding rules by the new Board of Speech-language Pathology, Audiology and Hearing Aid Dealing and Fitting.

CHAPTER 1: General Provisions

STATUTORY AUTHORITY: 32 M.R.S.A., 1660-B(9)

PURPOSE: The board may review and revise its rules regarding minimum testing requirements, supervision of trainees, and medical conditions that require special procedures.

SCHEDULE FOR ADOPTION: Spring 2008.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 2: Licensing Procedure

STATUTORY AUTHORITY: 32 M.R.S.A., §1660-B(9)

PURPOSE: The board may review and revise its rules regarding the eligibility requirements for the licensing of hearing aid dealers and fitters, hearing aid companies, and for temporary trainee permits.

SCHEDULE FOR ADOPTION: Spring 2008.

AFFECTED PARTIES: Applicants.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 3: Application and Examination Process

STATUTORY AUTHORITY: 32 M.R.S.A., §§1658-A, 1660-B(9)

PURPOSE: The board may review and revise its rules regarding the application procedure, examination, licensing procedure, and continuing education requirements of the Board, Provisions may be added pertinent to the staff review of applications and to further articulate the continuing education requirement.

SCHEDULE FOR ADOPTION: Spring 2008.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 4: Complaints

STATUTORY AUTHORITY: 32 M.R.S.A., §1660-B(9)

PURPOSE: The board may review and revise its rules regarding the basic guidelines for the handling of complaints received by the Board.

SCHEDULE FOR ADOPTION: Spring 2008.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 5: Initial License and Renewal Fees

STATUTORY AUTHORITY: 10 MRSA §8003(2-A)(D)

PURPOSE: The board may repeal this chapter, which has been superceded by 10 MRSA §8003(2-A)(D) and ensuing rulemaking under Chapter 10 of the rules of the Office of Licensing and Registration.

SCHEDULE FOR ADOPTION: Spring 2008.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 6: Calibration Standards

STATUTORY AUTHORITY: 32 M.R.S.A., 1660-B(9)

PURPOSE: The board may review and revise its rules regarding calibration and recalibration standards of instruments used by hearing aid dealers and fitters.

SCHEDULE FOR ADOPTION: Spring 2008.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 7: Code of Ethics

STATUTORY AUTHORITY: 32 M.R.S.A., §1660-B(9)

PURPOSE: The board may review and revise its rules regarding the established code of ethics reflecting the standards of conduct that the Board has designated as unacceptable in the practice of hearing aid dealers and fitters. Amendment would clarify the intent of revisions to 32 M.R.S.A. §1658-B, relating to "Payment" and "Trial Period".

SCHEDULE FOR ADOPTION: Spring 2008.

AFFECTED PARTIES: Licensees and consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

2007-2008 REGULATORY AGENDA

September 25, 2007

AGENCY UMBRELLA-UNIT NUMBER: 02-041-4073

AGENCY NAME: Department of Professional and Financial Regulation
Office of Licensing and Registration
Interpreters and Transliterators of American Sign Language and English

CONTACT PERSON:

Elaine Thibodeau, Program Administrator
Office of Licensing and Registration
Dept. of Professional & Financial Regulation
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EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2007-2008 RULE-MAKING ACTIVITY:

CHAPTER NUMBER: 50

CHAPTER TITLE: Definitions

STATUTORY BASIS: 32 MRSA §1522(1)

PURPOSE: This chapter defines certain terms used in these rules. Definitions will be added.

SCHEDULE FOR ADOPTION: Fall/Winter 2007-2008.

AFFECTED PARTIES: Applicants, licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not as per 5 MRSA §8051-B, but through the advisory council established pursuant to 32 MRSA §1522(4).

CHAPTER NUMBER: 51

CHAPTER TITLE: Requirements for Initial Licensure

STATUTORY BASIS: 32 MRSA §1522(1)

PURPOSE: This chapter sets forth criteria for the initial licensure of interpreters/transliterators and describes the application process. Changes will be made to the criteria to reflect legislation enacted through PL 2005 Chapter 267 amending 32 MRSA §1524 and PL 2007 Chapter 402 amending §1524(A) to permit applicants to qualify by demonstrating a score of 3.5 or higher on the Educational Interpreter Performance Assessment.

SCHEDULE FOR ADOPTION: Fall/Winter 2007-2008.

AFFECTED PARTIES: Applicants for licensure who elect to qualify on this basis.

CONSENSUS-BASED RULE DEVELOPMENT: Not as per 5 MRSA §8051-B, but through the advisory council established pursuant to 32 MRSA §1522(4).

CHAPTER NUMBER: 52:

CHAPTER TITLE: License Renewal and Continuing Education

STATUTORY BASIS: 32 MRSA §1522(1)

PURPOSE: This chapter sets forth continuing education requirements and describes the license renewal process. Changes will be made to accommodate: (1) 32 MRSA §59-B pertaining to Hardship Deferments, (2) PL 2005 Chapter 267 amending 32 MRSA §1528(A)(1) to require twenty hours annually of continuing

education, and (3) PL 2007 Chapter 402 amending 32 MRSA §1528 to delete the renewal notification requirement in order to facilitate "online renewal."

SCHEDULE FOR ADOPTION: Fall/Winter 2007-2008.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not as per 5 MRSA §8051-B, but through the advisory council established pursuant to 32 MRSA §1522(4).

CHAPTER NUMBER: 53

CHAPTER TITLE: Conversion of Registrants to Licensees

STATUTORY BASIS: 32 MRSA §1522(1)

PURPOSE: This chapter describes the transition process from registration to licensure for persons previously registered as interpreters, transliterators and deaf interpreters in Maine. As the process has been completed, this chapter is obsolete and will be repealed.

SCHEDULE FOR ADOPTION: Fall/Winter 2007-2008.

AFFECTED PARTIES: None.

CONSENSUS-BASED RULE DEVELOPMENT: None.

CHAPTER NUMBER: 54

CHAPTER TITLE: Disclosure Statement

STATUTORY BASIS: 32 MRSA §§1522(1), 1531

PURPOSE: This chapter describes the statutory disclosure to be furnished by interpreters and transliterators to consumers and clients. Pursuant to the enactment of PL2005 Chapter 267, the content required to appear on the disclosure statement has been changed; consequently, the format should be revised through rulemaking.

ANTICIPATED SCHEDULE: Fall/Winter 2007-2008.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not as per 5 MRSA §8051-B, but through the advisory council established pursuant to 32 MRSA §1522(4).

CHAPTER NUMBER: 55

CHAPTER TITLE: Complaints and Investigations

STATUTORY BASIS: 32 MRSA §1522(1)

PURPOSE: This chapter describes the procedure by which complaints will be handled by the Office of Licensing and Registration. These will be identified as being those contained within the "Administrative Complaint Procedure" of the Office.

ANTICIPATED SCHEDULE: Fall/Winter 2007-2008.

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not as per 5 MRSA §8051-B, but through the advisory council established pursuant to 32 MRSA §1522(4).

A "Code of Professional Conduct" will become the subject of a dedicated, additional Chapter.

2007 - 2008 REGULATORY AGENDA

September 7, 2007

AGENCY UMBRELLA-UNIT NUMBER: 02-360

AGENCY NAME: Department of Professional & Financial Regulation
. Office of Licensing & Registration
Board of Licensure for Professional Land Surveyors

CONTACT PERSON: Carol Leighton

EMERGENCY RULES **ADOPTED** SINCE **THE** LAST REGULATORY AGENDA: None

EXPECTED 2007-2008 RULE-MAKING ACTIVITY:

CHAPTER 10: Definitions

STATUTORY AUTHORITY: 32 MRSA §13903(2)

PURPOSE: This chapter defines words used in the Board's rules. The board may need to amend the rule to define new terms or clarify existing terms. The Board does not plan to use consensus-based rule development in proposing any needed changes.

ANTICIPATED SCHEDULE: Within the year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CHAPTER 40: Qualification for Licensure as Land Surveyor-In-Training

STATUTORY AUTHORITY: 32 MRSA §13903(2)

PURPOSE: This Chapter sets the requirements for licensure as a land surveyor-in-training. The Board may need to amend the chapter to clarify licensing procedures. The Board does not plan to use consensus-based rule development in proposing any needed changes.

ANTICIPATED SCHEDULE: **Within** the year, if necessary.

AFFECTED PARTIES: License applicants.

CHAPTER 50: Qualification for Licensure as Professional Land Surveyor

STATUTORY AUTHORITY: 32 MRSA §13903(2)

PURPOSE: This Chapter establishes the licensing qualifications for professional land surveyors. The Board may need to amend the chapter to clarify licensing procedures. In addition, an inactive license status may be established. The Board does not plan to use consensus-based rule development in proposing any needed changes.

ANTICIPATED SCHEDULE: Within the year, if necessary.

AFFECTED PARTIES: Licensees

CHAPTER 70: Professional Development

STATUTORY AUTHORITY: 32 MRSA §13903(2)

PURPOSE: This Chapter establishes the continuing education requirements for renewal. The Board may amend this ~~chapter to clarify procedures for compliance and to adopt procedures~~ for activating a **license** if an inactive license category is established. The Board does not plan to use consensus-based rule development in proposing any needed changes.

ANTICIPATED SCHEDULE: **Within** the year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CHAPTER 90: Standards of Practice

STATUTORY AUTHORITY: 32 MRSA §13903(2)

PURPOSE: This Chapter sets the standard of practice. The Board may amend this chapter in response to **changes in technical standards or in** response to issues resulting from consumer complaints. **The Board** does not plan to use consensus-based rule development in proposing any needed changes.

ANTICIPATED SCHEDULE: Within the year, if necessary.

AFFECTED PARTIES: Licensees and the public.

2007 - 2008 REGULATORY AGENDA

September 25,2007

AGENCY UMBRELLA·UNIT NUMBER: 02-385

AGENCY NAME: Department of Professional and Financial Regulation, Office of Licensing and Registration, Manufactured Housing Board

CONTACT PERSON: Robert leClair, Executive Director, Office of Licensing and Registration, 35 State House Station, Augusta, ME 04333, tel. 207/624-8678, robert.v.leclair@maine.gov

EMERGENCY RULES **ADOPTED** SINCE THE **LAST** REGULATORY AGENDA: None

EXPECTED 2007-2008 RULE-MAKING ACTIVITY:

CHAPTER NUMBER: 110:

CHAPTER TITLE: Rules for the State Certification of Manufactured Housing

STATUTORY BASIS: 10 MRSA, §9042

PURPOSE: To require accommodation for a radon mitigation system for all modular homes that are installed in the State of Maine

SCHEDULE FOR ADOPTION: March 2008

AFFECfED PARTIES: Licensees and the general public

CONSENSUS-BASED RULE DEVELOPMENf: not contemplated

CHAPTER NUMBER: 380:

CHAPTER TITLE: Rules for Licensing Manufacturers, Dealers, Developer Dealers, Installers & Mechanics

STATUTORY BASIS: 10 MRSA, §9001

PURPOSE: To include the requirement for an accommodation for a radon mitigation system in the manufacturing standards

SCHEDULE FOR ADOPTION: March 2008

AFFECfED PARTIES: Licensees and the general public

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER NUMBER: 900:

CHAPTER TITLE: Manufactured Home Installation Standard

STATUTORY BASIS: 10 MRS A, §9006

PURPOSE: To make changes required by Federal Law

SCHEDULE FOR ADOPTION: December 2008

AFFECfED PARTIES: Licensees and the general public

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

2007-2008 REGULATORY AGENDA

September 25, 2007

AGENCY UMBRELLA UNIT NUMBER: 02-041-4078

AGENCY NAME: Department of Professional and Financial Regulation
Office of Licensing and Registration
Massage Therapists

CONTACT PERSON: Elaine Thibodeau, Program Administrator, Office of Licensing and Registration, 35 State House Station, Augusta, ME 04333, tel. 207/624-8617.

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY **AGENDA**: None

EXPECTED 2005-2006 RULE-MAKING ACTIVITY:

CHAPTER NUMBER: 100

CHAPTER TITLE: DEFINITIONS

STATUTORY BASIS: 32 MRSA §14302(2)

PURPOSE: This chapter clarifies wording and professional terms used throughout these rules. Additions to the definitions may be required, due to the emergence of the sub-category of "medical massage therapy."

ANTICIPATED SCHEDULE: Fall 2008.

AFFECTED PARTIES: Licensees and the **general** public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER NUMBER: 200:

CHAPTER TITLE: General Information

STATUTORY BASIS:: 32 MRSA §14302(2)

PURPOSE: This chapter establishes guidelines for the maintenance of records and display of licenses and registrations. All registrations have been superseded by licenses; consequently, some material contained in this chapter is obsolete and should be deleted.

ANTICIPATED SCHEDULE: Fall 2008.

AFFECTED PARTIES: Licensees and the general public.

~~CONSENSUS-BASED RULE DEVELOPMENT~~: Not contemplated.

CHAPTER NUMBER: 300:

CHAPTER TITLE: Licensure/Registration Requirements

STATUTORY BASIS: 32 MRSA §14302(2)

PURPOSE: This chapter sets forth the procedures and requirements for licensure by application, as well as by reciprocity per the provisions for licensure in other states. The title should be changed to delete "Registration," as this term is obsolete. Possible amendments to the requirements for initial and renewal licensure may be developed as a consequence of national trends (e.g., toward specialization). In addition, pursuant to legislation enacted as PL 2007 Chapter 402 amending: (1) 32 MRSA §14306-F, sub-§1, the renewal notification **requirement** will be deleted. and (2) 32 MRSA §14308, **grounds** for denial or refusal to **renew** a license will be further articulated. Additional changes may ensue from future legislation and Sunset Review regarding scope-of-practice and to address the issue of "practice statute" versus "title statute."

ANTICIPATED SCHEDULE: Fall 2008.

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 400: Complaints and Investigations

STATUTORY BASIS; ~~32~~ MRSA §1430~~2~~(2)

PURPOSE: This chapter describes the procedure by which complaints and adjudicatory hearings are handled. Reference is made to the Advisory Council; however, the Advisory Council, as previously authorized in 32 MRSA §14302(7), was extinguished with the enactment of PL 2005 Chapter 294.

Consequently, this reference is obsolete and should be eliminated.

ANTICIPATED SCHEDULE: Fal12008.

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

2007 - 2008 REGULATORY AGENDA

September 24, 2007

AGENCY UMBRELLA-UNIT NUMBER: 02-371

AGENCY NAME:

Department of Professional and Financial Regulation
Office of Licensing & Registration
Nursing Home Administrators Licensing Board

CONTACT **PERSON:**

Penny Vaillancourt, Board Administrator
35 State House Station
Augusta, Maine 04333-0035
Tel: (207) 624-8420

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY
AGENDA: None.

EXPECTED 2007-2008 RULEMAKING ACTIVITY;

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S.A., §63-B(2)

PURPOSE: The board may review and revise its rules regarding the definitions for applicable terms contained in the rules.

SCHEDULE FOR ADOPTION: Summer 2008.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 2: Nursing Home Administrators

STATUTORY AUTHORITY: 32 M.R.S.A., §63-B(2)

PURPOSE: The board may review and revise the general requirements for licensure as a Nursing Home Administrator and states the continuing education requirement for license renewal.

SCHEDULE FOR ADOPTION: Summer 2008.

AFFECTED PARTIES: Applicants for licensure and existing licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 3: Residential Care Facility Administrators

STATUTORY AUTHORITY: 32 M.R.S.A., §63-B(2)

PURPOSE: The board may review and revise the general requirements for licensure as a Residential Care Facility Administrator and states the continuing education requirement for license renewal. Rulemaking may be conducted to clarify that provisional licensees may apply for permanent status after having

passed the prescribed course or the examination administered by the National Association of Boards of Examiners of Long-Term Care Administrators.

SCHEDULE FOR ADOPTION: Summer 2008.

AFFECTED PARTIES: Applicants for licensure and existing licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 4: Multi-Level Long Term Care Facility Administrators

STATUTORY AUTHORITY: 32 M.R.S.A., §63-B(2)

PURPOSE: The board may review and revise the general requirements for licensure as a Multi-Level Long Term Care Facility Administrator states the continuing education requirement for license renewal.

SCHEDULE FOR ADOPTION: Summer 2008.

AFFECTED PARTIES: Applicants for licensure and existing licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 5: Licensing

STATUTORY AUTHORITY: 32 M.R.S.A., §§63-B(2), 64-A, 66; 5 M.R.S.A., Chapter 375

PURPOSE: The board may review and revise the guidelines for license issuance, renewal, and reinstatement, and for the disciplining of licensees.

SCHEDULE FOR ADOPTION: Summer 2008.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 6: Endorsement

STATUTORY AUTHORITY: 32 M.R.S.A., §63-B(2)

PURPOSE: The board may review and revise outlines the process for endorsement for out-of-state licensees.

SCHEDULE FOR ADOPTION: Summer 2008.

AFFECTED PARTIES: Applicants currently licensed in other jurisdictions and who will seek licensure in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 7: Temporary Licenses

STATUTORY AUTHORITY: 32 M.R.S.A., §§63-B(2), 64-A, and 66; 5 M.R.S.A., Chapter 375

PURPOSE: The board may review and revise the requirements for temporary licensure.

SCHEDULE FOR ADOPTION: Summer 2008.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 8: Continuing Education

STATUTORY AUTHORITY: 32 M.R.S.A., §63-B(2)

PURPOSE: The board may review and revise the continuing professional education requirements for Administrators licensed by the Board.

SCHEDULE FOR ADOPTION: Summer 2008.
AFFECTED PARTIES: Licensees.
CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 9: Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S.A., §63-B(2); 5 M.R.S.A., §9001
PURPOSE: The board may review and revise the process for obtaining advisory rulings with regard to interpretation of these rules.
SCHEDULE FOR ADOPTION: Summer 2008.
AFFECTED PARTIES: Applicants for licensure, licensees, and consumers.
CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 10: Fees

STATUTORY AUTHORITY: 10 MRSA §8003(2-A)(D)
PURPOSE: The board may repeal this chapter, which has been superceded by 10 MRSA §8003(2-A)(D) and ensuing rulemaking under Chapter 10 of the rules of the Office of Licensing and Registration.
SCHEDULE FOR ADOPTION: Summer 2008.
AFFECTED PARTIES: Applicants for licensure and existing licensees.
CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 11: Code of Ethics

STATUTORY AUTHORITY: 32 M.R.S.A., §§63-B(2)
PURPOSE: The board may review and revise by adopting nearly verbatim the Code of Ethics of the American College of Health Care Administrators
SCHEDULE FOR ADOPTION: Summer 2008.
AFFECTED PARTIES: Licensees and consumers.
CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

2007-2008 REGULATORY AGENDA

September 24, 2007

AGENCY UMBRELLA-UNIT NUMBER: 02-477

AGENCY NAME:

Department of Professional and Financial Regulation
Office of Licensing & Registration
Board of Occupational Therapy Practice

CONTACT PERSON:

Penny Vaillancourt, Board Administrator
35 State House Station
Augusta, Maine 04333-0035
Tel: (207) 624-8420

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2007-2008 RULEMAKING ACTIVITY:

CHAPTER 1: General Information

STATUTORY AUTHORITY: 32 M.R.S.A., §§2272 and 2274(2)

PURPOSE: The board may review and revise the election of Board officers and the professional identification of licensees.

SCHEDULE FOR ADOPTION: Summer 2008.

AFFECTED PARTIES: Consumers and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 2: Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S.A., §9001 (4) and 32 M.R.S.A., §2274(2)

PURPOSE: The board may revise its rules regarding the issuance of advisory rulings by the Board.

SCHEDULE FOR ADOPTION: Summer 2008.

AFFECTED PARTIES: Licensees and Consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 3: Rules for the Licensure of Occupational Therapy Practice

STATUTORY AUTHORITY: Statutory Authority: 32 M.R.S.A., §2274(2), 2278, 2279, and 2284

PURPOSE: The board may review and revise the requirements and procedures governing the issuance of permanent and temporary licenses for the practice of occupational therapy.

SCHEDULE FOR ADOPTION: Summer 2008.

AFFECTED PARTIES: Licensees and Consumers.
CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 4: Fees

STATUTORY AUTHORITY: 10 MRSA §8003(2-A)(D)

PURPOSE: This chapter will be repealed as OIR establishes fees for this board directly pursuant to 10 MRSA §8003(2-A)(D) and Chapter 10 of the rules of the Office of Licensing and Registration.

SCHEDULE FOR ADOPTION: Summer 2008.

AFFECTED PARTIES: Licensees and Consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 5: Role of the Occupational Therapy Assistant and Supervision of Occupational Therapy Assistants and Temporary Occupational Therapists

STATUTORY AUTHORITY: 32 M.R.S.A., §§2272(12) and 2274(2)

PURPOSE: The board may review and revise the permissible duties of the Occupational Therapy Assistants and the duties of Occupational Therapists in the supervision of their Assistants.

SCHEDULE FOR ADOPTION: Summer 2008.

AFFECTED PARTIES: Licensees and Consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 6: Renewal Requirements and Continuing Education

STATUTORY AUTHORITY: 32 M.R.S.A., §§2274(2) and 2283(3)

PURPOSE: The board may review and revise the requirements for license renewal and for continuing professional education, establishes the hours of continuing education needed for renewal, defines the different categories of continuing education activities which will be accepted, and explains the approval process.

SCHEDULE FOR ADOPTION: Summer 2008.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 7: Code of Ethics

STATUTORY AUTHORITY: 32 M.R.S.A., §§2274(2)

PURPOSE: The board may review and revise the rules regarding the code of ethics for licensed Occupational Therapists and Occupational Therapy Assistants, by adopting the Occupational Therapy Code of Ethics published by the American Occupational Therapy Association.

SCHEDULE FOR ADOPTION: Summer 2008.

AFFECTED PARTIES: Licensees and Consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 8: Enforcement and Disciplinary Procedures

STATUTORY AUTHORITY: 32 M.R.S.A., §§2274(2) and 2286.

PURPOSE: The board may review and revise the procedure by which complaints and investigations are handled by the board.

SCHEDULE FOR ADOPTION: Summer 2008.

AFFECTED PARTIES: Licensees and Consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

Maine Administrative Procedure Act
2007 - 2008 Regulatory Agenda
September 18, 2007

AGENCY UMBRELLA-UNIT NUMBER: 02-381

AGENCY NAME: Department of Professional and Financial Regulation, Office of Licensing and Registration, Oil and Solid Fuel Board

CONTACT PERSON: Cheryl Hersom, Board Administrator, Office of Licensing and Registration, 35 State House Station, Augusta, ME 04333, 207/624-8605

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: On August 9, 2007 the Board amended **Chapters 3 and 4** on an **emergency** basis **pursuant** to PL 2007, c. 392 **relating to the licensing of limited energy auditor technicians.**

EXPECTED 2007-2008 RULE-MAKING ACTIVITY:

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S.A. §2311, §2353 and §2402

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying wording of the law and rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 2: General Information

STATUTORY AUTHORITY: 32 M.R.S.A. §2353 and §2402

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the guidelines relating to meetings, advisory rulings, and maintenance of records.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 3: Categories and Responsibilities for Licensure

STATUTORY AUTHORITY: 32 M.R.S.A. §2311, §2353, §2402 and §2404

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying the requirements for licensure for Apprentices, Journeymen and Masters. The board will adopt a permanent rule section setting forth the scope of practice of limited energy auditor technicians.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 4: Qualifications for Licensure

STATUTORY AUTHORITY: 32 M.R.S.A. §2353, §2402 and §2403

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by setting forth the type of examinations administered and other specific information pertaining to the examinations. The board will adopt a permanent rule section containing qualifications for licensure as a limited energy auditor technician.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 5: Use of Other License Authorities

STATUTORY AUTHORITY: 32 M.R.S.A. §2353 and §2402

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying the requirements for licensed master and journeyman technicians to gain licensed experience as an apprentice to qualify for an additional license authority.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 7: Adoption of Standards and Rules

STATUTORY AUTHORITY: 32 M.R.S.A. §2313, §2353 and §2402

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by setting forth the standards for installation of any oil and solid fuel burning equipment, chimneys, fireplaces and vents.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 8: Modification of Standards

STATUTORY AUTHORITY: 32 M.R.S.A. §2313, §2353 and §2402

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by authorizing modifications to installation standards under unusual circumstances.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 9: Installation of Oil Burning Equipment

STATUTORY AUTHORITY: 32 M.R.S.A. §2313, §2353 and §2402

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying the guidelines for the installation of oil burning equipment with necessary safety controls, devices and standards for the reduction of fire hazards associated with oil fired equipment used in residential, commercial, and industrial applications.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 10: Installation of Solid Fuel Burning Equipment

STATUTORY AUTHORITY: 32 M.R.S.A. §2313, §2353 and §2402

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying the proper installation of solid fuel burning equipment in residential, commercial, and industrial installations.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 11: Chimneys

STATUTORY AUTHORITY: 32 M.R.S.A. §2313, §2313-A, §2353 and §2402

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying the construction and installation requirements of chimneys, fireplaces, and venting systems for residential, commercial, and industrial appliances.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 13: Installation of Waste Oil Appliances and Waste Oil Supply Tanks

STATUTORY AUTHORITY: 32 M.R.S.A. §2313, §2353 and §2402

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying the requirements for the use of waste oil burning equipment.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

Maine Administrative Procedure Act
2007-2008 Regulatory Agenda
September 18, 2007

AGENCY UMBRELLA-UNIT NUMBER: 02-392

AGENCY NAME: Department of Professional & Financial Regulation
Office of Licensing & Registration
Board of Pharmacy

CONTACT PERSON: Geraldine L. Betts, Board Administrator, 35 State House Station, Augusta, ME 04333, tel. (207) 624-8625

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: NONE

EXPECTED 2007-2008 RULE-MAKING ACTIVITY: The Board may consider updating rules as may be necessary and to clarify or correct any errors or omissions from the comprehensive rules update of November 8, 2004. Particular focus will be given to, but not limited to; registration requirements for wholesale distributors, pharmacy technician requirements and practice areas, internet pharmacies, pharmacist in charge registration and responsibilities, and destruction of prescription drugs. Outdated or duplicative rules that may exist in 10 MRSA, Part 9, Chapter 901 and rules established by the Office of Licensing and Registration as authorized by 10 MRSA §8003 will be updated or repealed.

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 MRSA §§13720, 13723

PURPOSE: This chapter defines certain specialized terms used throughout all rules adopted by the board.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 2: Advisory Rulings

STATUTORY AUTHORITY: 5 MRSA §§8051, 9001(4)

PURPOSE: This chapter provides for the discretionary issuance of advisory rulings by the board.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 3: Applicability of Rules to Unregistered Facilities

STATUTORY AUTHORITY: 32 MRSA §§13720, 13721(1)(D), 13723

PURPOSE: This chapter provides for the applicability of the board's rules to the facilities identified in 32 MRSA §13721(1)(D)

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 4: Licensure of Pharmacists

STATUTORY AUTHORITY: 32 MRSA §§13720, 13721(1), 13723, 13732,13733,13734

PURPOSE: This chapter sets forth the application procedure for persons applying for licensure as a pharmacist pursuant to 32 MRSA §§13732 and 13733

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 5: Continuing Pharmacy Education

STATUTORY AUTHORITY: 32 MRSA §§13720, 13723, 13735

PURPOSE: This chapter implements the requirement in 32 MRSA §13735 that each pharmacist complete 15 hours of continuing pharmacy education annually as a condition of license renewal.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 6: Pharmacy Student Internship Programs

STATUTORY AUTHORITY: 32 MRSA §§13720, 13721(1)(0), 13723, 13732(3)

PURPOSE: This chapter sets forth requirements of the pharmacy student internship required for licensure by chapter 4, section 1(4)(B) of the board's rules.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 7: Registration and Employment of Pharmacy Technicians

STATUTORY AUTHORITY: 32 MRSA §§13720, 13721(I)(H), 13723

PURPOSE: This chapter sets forth the qualifications, permissible duties and supervision responsibilities of the pharmacist in charge with respect to registered pharmacy technicians.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 8: Registration of Retail Drug Outlets

STATUTORY AUTHORITY: 32 MRSA §§13720, 13721(1)(E), 13723, 13751, 13752, 13752-A

PURPOSE: This chapter sets forth registration requirements for retail drug outlets.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 9: Registration of Rural Health Centers

STATUTORY AUTHORITY: 32 MRSA §§13720, 13721(1)(E), 13723, 13751, 13762, 13763, 13764

PURPOSE: This chapter sets forth registration requirements for rural health centers.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 10: Registration of Free Clinics

STATUTORY AUTHORITY: 32 MRSA §§13720, 13721(1)(E), 13723, 13751, 13752, 13752-A, 13753

PURPOSE: This chapter sets forth registration requirements for free clinics.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 11: Registration of Mail Order Prescription Pharmacies and Licensure of Mail Order Contact Lens Suppliers

STATUTORY AUTHORITY: 32 MRSA §§13720, 13721(1)(E), 13723, 13751, 13752, 13752-A, 13753

PURPOSE: This chapter sets forth registration requirements for mail order prescription pharmacies and license requirements for mail order contact lens suppliers. This chapter also contains enforcement provisions unique to these two types of drug outlet.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 12: Registration of Manufacturers and Wholesale Drug Outlets

STATUTORY AUTHORITY: 32 MRSA §§13720, 13721(1)(E), 13723, 13751, 13758

PURPOSE: This chapter sets forth registration requirements for wholesale drug outlets, also known as wholesalers or wholesale drug distributors, and manufacturers.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 13: Operation of Retail Drug Outlets

STATUTORY AUTHORITY: 32 MRSA §§13720, 13721(1), 13722, 13723, 13751

PURPOSE: This chapter sets forth operation requirements for retail drug outlets registered by the board.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Chapter 14: Pharmacy Services at Rural Health Centers

STATUTORY AUTHORITY: 32 MRSA §§13720, 13721(1), 13722, 13723, 13762, 13763, 13764

PURPOSE: This chapter sets forth requirements for the pharmacy services provided by rural health centers licensed by the board.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Chapter 15: Operation of Free Clinics

STATUTORY AUTHORITY: 32 MRSA §§13720, 13721(1); 13722, 13723

PURPOSE: This chapter sets forth requirements for the operation of free clinics licensed by the board.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Chapter 16: Operation of Wholesale Drug Outlets and Manufacturers

STATUTORY AUTHORITY: 32 MRSA §§13720, 13721(1), 13722, 13723, 13758

PURPOSE: This chapter sets forth operational requirements for wholesale drug distributors, including wholesale drug outlets and manufacturers.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Chapter 17: Operation of Nuclear Drug Outlets

STATUTORY AUTHORITY: 32 MRSA §§13720, 13721(1), 13722, 13723

PURPOSE: This chapter incorporates by reference rules of the Maine Radiation Control Program applicable to nuclear drug outlets.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Chapter 18: Sterile Pharmaceuticals

STATUTORY AUTHORITY: 32 MRSA §§13720, 13721(1), 13722, 13723

PURPOSE: This chapter sets forth rules governing the preparation, labeling and distribution of sterile pharmaceuticals.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Chapter 19: Receipt and Handling of Prescription Drug Orders

STATUTORY AUTHORITY: 22 MRSA §2681(6); 32 MRSA §§13720, 13721(1), 13722, 13723, 13781, 13785, 13786-A, 13794, 13795

PURPOSE: This chapter sets forth requirements for creating, transmitting, filling and transferring prescription drug orders.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Chapter 20: Automated Pharmacy Systems

STATUTORY AUTHORITY: 32 MRSA §§13720, 13721(1), 13722(1)(B-1), 13723

PURPOSE: This chapter sets forth requirements for automated pharmacy systems.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Chapter 21: Central Prescription Processing
STATUTORY AUTHORITY: 32 MRSA §§13720, 13721(1), 13722, 13723, 13784,13785,
13794

PURPOSE: This chapter sets forth requirements for central prescription processing.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Chapter 22: **Sale of Schedule V Controlled Substances**

STATUTORY AUTHORITY: 32 MRSA §§13720, 13721(1), 13722(1)(E), 13723

PURPOSE: This chapter sets forth requirements for the sale of Schedule V controlled substances.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Chapter 23: Accounting for Prescription Drugs

STATUTORY AUTHORITY: 32 MRSA §§13720, 13721(1), 13722, 13723

PURPOSE: This chapter sets forth requirements relating to maintenance of a perpetual inventory, disposal of drugs, and reporting the loss of controlled substances.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Chapter 24: Retention of Records by Drug Outlets

STATUTORY AUTHORITY: 32 MRSA §§13720, 13721(1), 13722, 13723(7), 13784

PURPOSE: This chapter sets forth record retention requirements for drug outlets.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Chapter 25: Patient Counseling

STATUTORY AUTHORITY: 32 MRSA §§13720, 13721(1), 13722, 13723, 13784

PURPOSE: This chapter sets forth the pharmacist's obligation to counsel patients.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Chapter 26: Generic Substitutions

STATUTORY AUTHORITY: 32 MRSA §§13720, 13721(1), 13722, 13723, 13781

PURPOSE: This chapter defines and outlines the use of generic and therapeutically equivalent drugs by pharmacists.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Chapter 27: Possession and Administration of Noncontrolled Prescription Drugs by Nurses

STATUTORY AUTHORITY: 32 MRSA §§13720, 13721(1), 13722, 13723, 13810

PURPOSE: This chapter defines the conditions under which nurses can possess and administer noncontrolled prescription drugs.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Chapter 28: Enforcement and Disciplinary Procedures

STATUTORY AUTHORITY: 32 MRSA §§13720, 13721(1)(F), 13722, 13723, 13741

PURPOSE: This chapter sets forth a licensee's right to appeal certain board actions and specifies the enforcement and disciplinary procedures used by the board.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Chapter 29: Violations of Federal Law or Rule

STATUTORY AUTHORITY: 32 MRSA §§13720, 13721(1)(F), 13722, 13723, 13741, 13742(2)(P)

PURPOSE: This chapter recognizes certain federal statutes and rules as having established standards of professional behavior, the violation of which constitutes unprofessional conduct pursuant to 32 MRSA §13742(2)(F).

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Chapter 30: Unprofessional Conduct

STATUTORY AUTHORITY: 32 MRSA §§13720, 13721(1)(F), 13722, 13723, 13741, 13742(2)(F)

PURPOSE: This chapter establishes standards of professional behavior, the violation of which constitutes unprofessional conduct pursuant to 32 MRSA §13742(2)(F)

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Chapter 31: Practice of Fraud or Deceit

STATUTORY AUTHORITY: 32 MRSA §§13720, 13721(1)(F), 13722, 13723, 13741, 13742(2)(A)

PURPOSE: For purposes of 32 MRSA §13742(2)(A), the practice of fraud or deceit includes, but is not limited to, the conduct described in this chapter.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Chapter 32: Issuance of Citations

STATUTORY AUTHORITY: 10 MRSA §8003-E; 32 MRSA §§13720, 13721(1)(F), 13722, 13723

PURPOSE: This chapter lists the violations for which a citation may be issued, describes the licensee's right to request a hearing, and describes the time and manner in which the fine must be paid or a hearing requested.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Maine Administrative Procedure Act
2007-2008 Regulatory Agenda
September 18,2007

AGENCY UMBRELLA-UNIT NUMBER: 02-393

AGENCY NAME: Department of Professional & Financial Regulation
Office of Licensing & Registration
Board of Examiners in Physical Therapy

CONTACT PERSON: Geraldine L. Betts, Board Administrator, 35 State House Station, Augusta, ME
04333, tel. (207) 624-8625

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: NONE

EXPECTED 2007-2008 RULE-MAKING ACTIVITY: The Board may amend rules pertaining to foreign trained applicants. All rules pertaining to licensing requirements and the code of professional practice will be reviewed and updated as may be necessary. Outdated or duplicative rules that may exist in 10 MRSA, Part 9, Chapter 901 and rules established by the Office of Licensing and Registration as authorized by 10 MRSA §8003 will be updated or repealed.

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 MRSA §3112(5)(C)

PURPOSE: Defines terms used throughout the Board's rules. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 2: General Provisions

STATUTORY AUTHORITY: 32 MRSA §3112(5)(C)

PURPOSE: The chapter contains provisions describing the conduct of meetings and hearings, acting on requests for advisory rulings, complaint and investigation procedures and record keeping. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Cqntemplated

CHAPTER 3: Licensure Requirement for Physical Therapists and Physical Therapist Assistants
STATUTORY AUTHORITY: 32 MRSA §3112(5)(A, B, &C), 3114-A and 3116

PURPOSE: Establish requirements for issuance of a license to practice physical therapy, including application, education, experience, and references. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 4: Standards for Supervision of Physical Therapist Assistants and Physical Therapy Aids

STATUTORY AUTHORITY: 32 MRSA §3112(5)(C) and 3113-B(6)

PURPOSE: Establish standards by which physical therapist assistants and physical therapy aids will be supervised. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 5: Enforcement and Disciplinary Procedures

STATUTORY AUTHORITY: 32 MRSA §3112(5)

PURPOSE: Establish enforcement and disciplinary procedures, including grounds for discipline and clarification of terms. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 6: Code of Ethics

STATUTORY AUTHORITY: 32 MRSA §3112(5)(C, E, F, and G) and 3117-A

PURPOSE: Set standards of professional practice of physical therapy. The Board may review this chapter and make changes to reflect current practice expectations for the protection of the public being served.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 7: Fees

STATUTORY AUTHORITY: 32 MRSA §3112(5)(C and D) and 3114-A(2)(B)

PURPOSE: Establish fees assessed for application and licensing of physical therapists and assistants. The Board may repeal this rule in the event that fees are established directly by the Director of the Office of Licensing and Registration in Chapter 10 of the Rules of the Office of Licensing and Registration pursuant to 10 MRSA §8003(2-A)(D).

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Maine Administrative Procedure Act
2007 • 2008 Regulatory Agenda
September 18, 2007

AGENCY UMBRELLA·UNIT NUMBER: 02-395

AGENCY NAME: Department of Professional and Financial Regulation, Office of Licensing and Registration, Plumbers' Examining Board

CONTACT PERSON: Cheryl Hersom, Board Administrator, Office of Licensing and Registration, 35 State House Station, Augusta, ME 04333, 207/624-8605

EMERGENCY RULES ADOPTED SINCE **THE** LAST REGULATORY AGENDA: None

EXPECTED 2007-2008 RULE-MAKING ACTIVITY:

CHAPTER 1: General Provisions

STATUTORY AUTHORITY: 32 M.R.S.A. §3403-A

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the guidelines relating to meetings, advisory rulings, and maintenance of records.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 2: Complaints, Investigations and Adjudicatory Hearings

STATUTORY AUTHORITY: 32 M.R.S.A. §3403-A

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the procedure by which complaints and adjudicatory hearings will be handled by the Board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 3: Licensing Requirements

STATUTORY AUTHORITY: 32 M.R.S.A. §3403-A

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying the requirements for licensure as a Trainee Plumber, Journeyman Plumber, and Master Plumber.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 4: Installation Standards

STATUTORY AUTHORITY: 32 M.R.S.A. §3403-A

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by adopting standards for plumbing installations in the State of Maine.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 5: Examination Requirements

STATUTORY AUTHORITY: 32 M.R.S.A. §3403-A

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by setting forth specific information pertaining to the examination.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 6: Reciprocity

STATUTORY AUTHORITY: 32 M.R.S.A. §3403-A

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying the procedures for qualifying for licensure by reciprocity.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 8: Conflict of Interest

STATUTORY AUTHORITY: 32 M.R.S.A. §3403-A

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying the Conflict of Interest Policy which sets the professional standards for Plumbers' Examining Board members.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees..

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

2007 - 2008 REGULATORY AGENDA

September 24, 2007

AGENCY UMBRELLA-UNIT NUMBER: 02-396

AGENCY NAME:

Department of Professional and Financial Regulation
Office of Licensing & Registration
Board of Licensure of Podiatric Medicine

CONTACT PERSON:

Penny Vaillancourt, Board Administrator
35 State House Station
Augusta, Maine 04333-0035
Tel: (207) 624-8420

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY
AGENDA: None.

EXPECTED 2007-2008 RULEMAKING ACTIVITY:

CHAPTER 1: Licensing of Podiatrists

STATUTORY AUTHORITY: 32 M.R.S.A., §§3605-B(3), 3651-A, 3652 and 3654

PURPOSE: The board may review and revise the application procedure and qualifications for licensure. Provisions may be added pertinent to the staff review of applications.

SCHEDULE FOR ADOPTION: Summer 2008.

AFFECTED PARTIES: Applicants for licensure

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 2: Fees

STATUTORY AUTHORITY: 10 MRSA §8003(2-A)(D)

PURPOSE: The Board may repeal existing fee provisions now that OIR has established fees for this board directly pursuant to 10 MRSA §8003(2-A)(D) and Rule 02-041 Chapter 10.

SCHEDULE FOR ADOPTION: Summer 2008.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 3: Continuing Education of Podiatrists

STATUTORY AUTHORITY: 32 M.R.S.A., §§3605-B(2) and (3) and 3652

PURPOSE: The board may review and revise the academic requirements for continuation of licensure.

SCHEDULE FOR ADOPTION: Summer 2008.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

Maine Administrative Procedure Act
2007 • 2008 Regulatory Agenda
September 18, 2007

AGENCY UMBRELLA-UNIT NUMBER: 02-582

AGENCY NAME: Department of Professional and Financial Regulation, Office of Licensing and Registration, Propane and Natural Gas Board

CONTACT PERSON: Cheryl Hersom, Board Administrator, Office of Licensing and Registration, 35 State House Station, Augusta, ME 04333, 207/624-8605

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: On September 5, 2007 the Board amended **Chapter 3** on an emergency basis pursuant to PL 2007, c. 392 relating to the licensing of limited energy auditor technicians.

EXPECTED 2007-2008 RULE-MAKING ACTIVITY:

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S.A. §14804

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying wording of the law and rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: **Licensees.**

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 2: General Information

STATUTORY AUTHORITY: 32 M.R.S.A. §14804(1)

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the guidelines relating to meetings, advisory rulings, and maintenance of records.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 3: Licensure/Registration Requirements

STATUTORY AUTHORITY: 32 M.R.S.A. §14804, §14807, §14808, §14815

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying the requirements for licensure, registration, permits, and reciprocity for licensure with other states. The board will adopt a permanent rule section relating to the qualification for licensure as, and scope of practice of, limited energy auditor technicians.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 4: **Examination Requirements**

STATUTORY AUTHORITY: 32 M.R.S.A. §14804, §14807(5)

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by clarifying the type of examinations administered and other specific information pertaining to the examination.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 5: Installation Standards

STATUTORY AUTHORITY: 32 M.R.S.A. §14804

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by setting forth the standards for installation of propane and natural gas equipment in the State of Maine.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 6: **Complaints, Investigations and Adjudicatory Hearings**

STATUTORY AUTHORITY: 32 M.R.S.A. §14804

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the procedure by which complaints and adjudicatory hearings will be handled by the Board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 8: Permits for Aboveground, Underground and Underground Propane and Natural Gas Storage Facilities and Rooftop Installations

STATUTORY AUTHORITY: 32 M.R.S.A. §14804

PURPOSE: The Board may review and **revise its** rules to ensure **clarity** and conformity with the enabling statute by clarifying the requirements for permitting aboveground and underground propane and natural gas storage facilities and rooftop installations.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 9: Modification of Standards

STATUTORY AUTHORITY: 32 M.R.S.A. §14804

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by allowing **the Board to authorize** modifications to installation standards under unusual circumstances.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

Maine Administrative Procedure Act
2007-2008 Regulatory Agenda
September 18, 2007

AGENCY **UMBRELLA-UNIT** NUMBER: 02-415

AGENCY NAME: Department of Professional & Financial Regulation
Office of Licensing & Registration
Board of Examiners of Psychologists

CONTACT PERSON: Geraldine I. Betts, Board Administrator, 35 State House Station, Augusta, ME 04333, tel. (207) 624-8625

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: NONE

EXPECTED 2007-2008 RULE-MAKING ACTIVITY: The Board's current rules, Chapters 1 through 7, will be repealed and new rules adopted in their place. The Board expects to reorganize the structure of the rules and update all rules for compliance with laws currently in place. It is expected that the Board will review rules for consistency and to clarify terminology, to streamline the licensure requirements and the application process, to revise and update examinations procedures and possibly **eliminate the oral examinations** where possible and replace with another means to substantiate knowledge of laws and rules, continuing professional education requirements and reporting procedures, to clarify grounds for discipline and standards of practice, and to update the code of ethics and standards of professional conduct for practitioners. Outdated or duplicative rules that may exist in 10 MRSA, Part 9, Chapter 901 and rules established by the Office of Licensing and Registration as authorized by 10 MRSA §8003 will be updated or repealed.

CHAPTER 1: Introduction.

STATUTORY AUTHORITY: 32 MRSA §§3824, 3832, 3833, and 3835

PURPOSE: Establish standards for board meetings, recordkeeping, and rules.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 2: Definitions.

STATUTORY AUTHORITY: 32 MRSA §§3824, 3832, 3833, and 3835

PURPOSE: Define and clarify terms used throughout the Board's rules.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 3: Licensure.

STATUTORY AUTHORITY: 32 MRSA §3824

PURPOSE: This chapter outlines eligibility for licensure for psychologists and psychological examiners, application and exam procedures, types of licensure, methods for reviewing credentials, and intervention privileges for examiners.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 4: Standards of Practice.

STATUTORY AUTHORITY: 32 MRSA §§3824, 3832, 3833, and 3835

PURPOSE: Establish a code of ethics and standards of professional conduct for psychologists and psychological examiners.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 5: Continuing Professional Education.

STATUTORY AUTHORITY: 32 MRSA §§3824, 3832, 3833, and 3835

PURPOSE: Establish requirements for continuing professional education for license renewal.

The Board may need to amend this chapter to conform to recently adopted rules by the Office of Licensing and Registration on substantiation of continuing education by licensed practitioners.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 6: Fee Schedule..

STATUTORY AUTHORITY: 32 MRSA §§3824, 3832, 3833, and 3835

PURPOSE: The Board may repeal *this* rule because the Office of Licensing and Registration has established fees for the Board directly pursuant to 10 MRSA §8003(2-A)(D).

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 7: Enforcement, Disciplinary Procedures, and Appeals.

STATUTORY AUTHORITY: 32 MRSA §§3824, 3832, 3833, and 3835

PURPOSE: Establish standards for the handling of complaints and appeals.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

2007 - 2008 REGULATORY AGENDA

September 24,2007

AGENCY UMBRELLA-UNIT NUMBER: 02-465

AGENCY NAME:

Department of Professional and Financial Regulation
Office of Licensing & Registration
Radiologic Technology Board of Examiners

CONTACT PERSON:

Penny Vaillancourt, Board Administrator
35 State House Station
Augusta, Maine 04333-0035
Tel: (207) 624-8420

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY
AGENDA: None.

EXPECTED 2007-2008 RULEMAKING ACTIVITY:

CHAPTERS 1-3: The Medical Radiation Technology Licensing Rules

STATUTORY AUTHORITY: M.R.S.A., §9853(6) (E)

PURPOSE: A complete repeal and replacement of Chapters 1 through 3 pursuant to statutory changes will occur. The board will consider revising its rules regarding licensing, examination, renewal, and conduct of all persons who apply ionizing radiation to human beings for diagnostic or therapeutic purposes, except those specifically exempted by statute. The board will revise scope of practice as well as the training programs of limited radiographers. The Board may ~~repeal existing fee provisions~~ in the event that OLR establishes fees for this board directly pursuant to 10 MRSA §8003(2-A)(D) and Chapter 10 of the rules of the Office of Licensing and Registration.

SCHEDULE FOR ADOPTION: Winter 2008.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

2007 - 2008 REGULATORY AGENDA

September 7, 2007

AGENCY UMBRELLA UNIT NUMBER: 03-039

AGENCY NAME: Department of Professional & Financial Regulation
Office of Licensing & Registration
Real Estate Commission

CONTACT PERSON: Carol L. Leighton

EMERGENCY **RULES ADOPTED** SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2007-2008 RULE-MAKING ACTIVITY:

CHAPTER 300: General Information

STATUTORY AUTHORITY: 32MRSA §13065

PURPOSE: This Chapter sets the guidelines for meetings and maintenance of Commission records. It may be necessary to amend the "records" section to clarify access to electronic records of other issues resulting from changes in technology. The Commission does not plan to use consensus-based rule development in proposing any needed changes.

ANTICIPATED SCHEDULE: Within one year if needed.

AFFECTED PARTIES: **Real estate licensees and the public.**

CHAPTER: 340: Complaints and Investigations

STATUTORY AUTHORITY: 32 MRSA §13065

PURPOSE: This Chapter sets the guidelines for filing complaints and conducting investigations. As Commission decisions go through the appellate process, procedural issues may arise that would require the Commission to change its complaint and/or investigative process. Commission complaints are not typically filed under oath and the reference to filing a complaint under oath may be repealed. The Commission does not plan to use consensus-based rule development in proposing any changes.

ANTICIPATED SCHEDULE: **Within** one year, if needed.

AFFECTED PARTIES: Real estate licensees and complainants.

CHAPTER 350: Adjudicatory Hearings

STATUTORY AUTHORITY: 32 MRSA §13065

PURPOSE: This Chapter establishes the guidelines for adjudicatory hearings. As Commission decisions go through the appellate process, procedural issues may arise that would require the Commission to change its hearing process. The Commission does not plan to use consensus-based rule development in proposing changes.

ANTICIPATED SCHEDULE: Within one year, if needed.

AFFECTED PARTIES: Real estate licensees and hearing participants.

CHAPTER 360: Prerequisites to Licensure by Individuals

STATUTORY AUTHORITY: 32 MRSA §13065

PURPOSE: This Chapter establishes the educational qualifications for licensure. Clarification of the educational options available to individuals at the different levels of licensure may be necessary. The Commission does not plan to use consensus-based rule development in proposing changes.

ANTICIPATED SCHEDULE: Within one year, if needed.

AFFECTED PARTIES: Real estate license applicants and course providers.

CHAPTER 370: Continuing Education

STATUTORY AUTHORITY: 32 MRSA §13065

PURPOSE: This Chapter sets the guidelines for review and approval of continuing education courses. Change may be required to comply with the OLR's **continuing** education audit rule. - Changes in approved course topics may be necessary to reflect changes in the industry. In addition, changes may be necessary to ensure that course **filing** procedures for all types of educational programs are consistent and provide for reasonable standards to ensure the delivery of qualify educational programs. The Commission does not plan to use consensus-based rule development in proposing changes.

ANTICIPATED SCHEDULE: Within one year, if needed.

AFFECTED PARTIES: Real estate licensees and continuing education providers.

CHAPTER 390: Licensing Procedures and Requirements

STATUTORY AUTHORITY: 32 MRSA §13065

PURPOSE: This chapter provides information regarding examinations and explains the procedure for filing various **license** applications. The Commission does not plan to use consensus-based rule development in proposing changes.

ANTICIPATED SCHEDULE: Within one year, if needed. '

AFFECTED PARTIES: Real estate licensees, license applicants and course providers.

Chapter 400: Agency/Designated Broker Responsibilities

STATUTORY AUTHORITY: 32 MRSA §13065

PURPOSE: This chapter details requirements of maintaining a real estate brokerage agency and establishes the specific supervisory responsibilities of the designated broker. Chapter 400 replaces the former Chapter 320 effective July 1,2006. Amendments to the recently adopted rules may be necessary to clarify the rule.

ANTICIPATED SCHEDULE: Within one year, if needed.

AFFECTED PARTIES: Real estate companies, designated brokers, licensee and the public.

Chapter 410: Minimum Standards of Practice

STATUTORY AUTHORITY: 32 MRSA §13065

PURPOSE: This chapter clarifies and establishes standards for practicing real estate brokerage. Chapter 410 replaces the former Chapter 330 effective July 1,2006. Amendments to the recently adopted rules may be necessary to clarify the rule.

ANTICIPATED SCHEDULE: Within one year, if needed.

AFFECTED PARTIES: Real estate licensee and the public.

2007 - 2008 REGULATORY AGENDA

September 7, 2007

AGENCY UMBRELLA UNIT NUMBER: 02-0298

AGENCY NAME: Department of Professional & Financial Regulation
Office of Licensing & Registration
Board of Real Estate Appraisers

CONTACT PERSON: Carol J. Leighton

EMERGENCY **RULES ADOPTED** SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2007-2008 RULE-MAKING ACTIVITY:

CHAPTER 100: General Information.

STATUTORY AUTHORITY: 32 MRSA §14012

PURPOSE: This Chapter establishes guidelines relating to meetings and records. The procedures need not be in rule and the Board has made a recommendation to repeal Chapter 100. The rule hearing is scheduled for September 11, 2007. The Board does not plan to use consensus-based rule development in proposing needed changes.

ANTICIPATED SCHEDULE: Within one year.

AFFECTED PARTIES: Licensees and license applicants.

CHAPTER 110: Fees.

STATUTORY AUTHORITY: 32 MRSA §14012

PURPOSE: This Chapter establishes the fees charged by the Board. Fees are not set by the Director of the Office of Licensing and Registration - Chapter 10, Section 4(34) OLR fee rule. The Board has made a recommendation to repeal Chapter 110. The rule hearing is scheduled for September 11, 2007.

The Board does not plan to use consensus-based rule development in proposing needed changes.

ANTICIPATED SCHEDULE: Within one year.

AFFECTED PARTIES: Licensees and license applicants.

CHAPTER 160: Complaints and Investigations.

STATUTORY AUTHORITY: 32 MRSA §14012

PURPOSE: This rule establishes guidelines and procedures for filing complaints. This chapter is no longer necessary. This board follows the uniform complaint process adopted by the Office of Licensing and Registration. The Board has made a recommendation to repeal Chapter 160. The rule hearing is scheduled for September 11, 2007. The Board does not plan to use consensus-based rule development in proposing needed changes.

ANTICIPATED SCHEDULE: Within one year.

AFFECTED PARTIES: Licensees and the public.

CHAPTER 200: Prerequisites to Licensure

STATUTORY AUTHORITY: 32 MRSA §14012

PURPOSE: This Chapter sets the guidelines for licensure. The statutory changes effective January 1, 2008 adopt in statute the requirements for licensure. The Board has made a recommendation to repeal Chapter 200.

The rule hearing is scheduled for September 11, 2007. The Board does not plan to use consensus-based rule development in proposing needed changes.

ANTICIPATED SCHEDULE: Within one year.

AFFECTED PARTIES: License applicants.

CHAPTER 210: Continuing Education

STATUTORY AUTHORITY: 32 MRSA §14012

PURPOSE: This Chapter establishes the continuing education requirements. The statutory changes effective January 1, 2008 require all continuing education courses to apply for course approval from the Appraisal Qualifications Board. The Board has made a recommendation to repeal Chapter 210. The rule hearing is scheduled for September 11, 2007. The Board does not plan to use consensus-based rule development in proposing any changes.

ANTICIPATED SCHEDULE: Within one year.

AFFECTED PARTIES: Licensees.

CHAPTER 220: Educational Course Requirements

STATUTORY AUTHORITY: 32MRSA §14012

PURPOSE: This Chapter establishes the guidelines for approval of qualifying and continuing education courses. The statutory changes effective January 1, 2008 require all qualifying educational courses to apply for course approval from the Appraisal Qualifications Board. Consistent with the statutory change, the Board has made a recommendation to clarify that the course approval process requires providers to apply for approval from the Appraisal Qualifications Board. The rule hearing is scheduled for September 11, 2007. The Board does not plan to use consensus-based rule development in proposing any changes.

ANTICIPATED **SCHEDULE**: Within one year.

AFFECTED PARTIES: License applicants and licensees.

CHAPTER 230: Supervising Appraiser Duties

STATUTORY AUTHORITY: 32 MRSA §14012

PURPOSE: This Chapter establishes the duties for supervisors. The Board has recommended changes to Chapter 230 to comply with the statutory requirement that limits the number of trainees per supervisor and only allows a certified licensee to act as a supervisor for a trainee. The rule hearing is scheduled for September 11, 2007. The Board does not plan to use consensus-based rule development in proposing any changes.

ANTICIPATED SCHEDULE: Within one year.

AFFECTED PARTIES: Licensees and the public.

CHAPTER 240: Standards of Professional Practice

STATUTORY AUTHORITY: 32 MRSA §14012

PURPOSE: This Chapter references the edition of the standards of professional practice. The Board will need to amend this chapter to reference the most recent edition and effective date of the Uniform Standards of Professional Practice ("USPAP"). USPAP has historically been amended on an annual basis. However, recent changes suggest the schedule will be amended to a two-year cycle. The Board does not plan to use consensus-based rule development in proposing any changes.

ANTICIPATED SCHEDULE: January 2008

AFFECTED PARTIES: Licensees and the public.

Maine Administrative Procedure Act
2007-2008 Regulatory Agenda
September 18, 2007

AGENCY UMBRELLA-UNIT NUMBER: 02-343

AGENCY NAME: Department of Professional & Financial Regulation
Office of Licensing & Registration
Board of Respiratory Care Practitioners

CONTACT PERSON: Geraldine I. Betts, Board Administrator, 35 State House Station, Augusta, ME 04333, tel. (207) 624-8625

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: NONE

EXPECTED 2007-2008 RULE-MAKING ACTIVITY: The Board may consider amending definitions, the oversight requirements for temporary and trainee respiratory care practitioners, and continuing education requirements. Amendments may cause adjustments to other board rules, specifically the Code of Ethics and the Standards of Professional Conduct. Outdated or duplicative rules that may exist in 10 MRSA, Part 9, Chapter 901 and rules established by the Office of Licensing and Registration as authorized by 10 MRSA §8003 will be updated or repealed.

Chapter 1: Definitions

STATUTORY AUTHORITY: 32 MRSA §9704

PURPOSE: Defines terms used throughout the Board's rules. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Chapter 3: License Requirements for Respiratory Care Practitioners

STATUTORY AUTHORITY: 32 MRSA §§9702(6) and (7), 9704(1) and (2), 9705, 9706-A, 9707-A, and 9711

PURPOSE: This chapter sets the licensing and examination requirements for respiratory therapists and respiratory care technicians. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT; Not Contemplated

CHAPTER 4: Continuing Education Requirements for Respiratory Care Practitioner License Renewal

STATUTORY AUTHORITY: 32 MRSA §§9704(2) and 9712

PURPOSE: Establishes requirements for continuing professional education to be completed by licensees for licensing renewal. The Board may update continuing education requirements and amend this chapter to conform to recently adopted rules by the Office of Licensing and Registration on substantiation of continuing education by licensed practitioners.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 5: Enforcement and Disciplinary Procedures

STATUTORY AUTHORITY: 32 MRSA §§9704(2) and 9713

PURPOSE: Establishes the enforcement and disciplinary procedures, including grounds for discipline and clarification of terms. The Board may review this for conformance with current statutes and make changes as needed.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Chapter 6: Code of Ethics

STATUTORY AUTHORITY: 32 MRSA §9704(2)

PURPOSE: These rules specify the manner in which respiratory care practitioners shall practice respiratory care. The Board may review this chapter and make changes to reflect current practice expectations for the protection of the public being served.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Chapter 7: Standards of Professional Conduct

STATUTORY AUTHORITY: 32 MRSA §§9704(2) and 9713(2)(B)

PURPOSE: This chapter provides examples of inappropriate behaviors that would constitute "unprofessional conduct." The Board may review this for conformance with current statutes and make changes as needed.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

2007 - 2008 REGULATORY AGENDA

September **24**, 2007

AGENCY UMBRELLA-UNIT NUMBER: 02-416

AGENCY NAME:

Department of Professional and Financial Regulation
Office of Licensing & Registration
Board of Social Worker Licensure

CONTACT PERSON:

Penny Vaillancourt, Board Administrator
35 State House Station
Augusta, Maine 04333-0035
Tel: (207) 624-8420

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2007-2008 RULEMAKING ACTIVITY:

CHAPTER 10: Definitions

STATUTORY AUTHORITY: 32 M.R.S.A., §§ 7001-A, 7030(2)

PURPOSE: The board may review and revise the terms used by the Board of Social Worker Licensure in these rules.

SCHEDULE FOR ADOPTION: Summer 2008.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 11: Advisory Rulings

STATUTORY AUTHORITY: 5 MRSA §8051 , 9001(4)

Purpose: The board will review and revise advisory rulings by the board.

SCHEDULE FOR ADOPTION: Summer 2008.

AFFECTED PARTIES: Consumers and licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 12: Application for Licensure

STATUTORY AUTHORITY: 32 M.R.S.A., §§7030(1) and (2), 7051 , 7053, 7054-AI 7056 , 70GO, and 10 MRSA §8003(2-A)(D)

PURPOSE: The board may review and revise the application process for social work licensure.

SCHEDULE FOR ADOPTION: Summer 2008.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER: 13 Licensure

STATUTORY AUTHORITY: 32 M.R.S.A., §§7030(1) and (2), 7051,7053,7054-A, 7056, and 7060

PURPOSE: The board may review and revise the requirements for licensure among the different types of licensure.

SCHEDULE FOR ADOPTION: Summer 2008.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER: 14 Continuing Professional Education

STATUTORY AUTHORITY: 32 M.R.S.A., §7030 (5)

PURPOSE: The board may review and revise the continuing education requirements for social workers.

SCHEDULE FOR ADOPTION: Summer 2008.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER: 15 Scope of Practice

STATUTORY AUTHORITY: 32 M.R.S.A., §§7001-A(11) and 7053-A

PURPOSE: The board may review and revise the permissible scope-of-practice applicable to the different categories of licenses issued by the board, and related provisions.

SCHEDULE FOR ADOPTION: Summer 2008.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 16: Enforcement & Disciplinary Procedures

STATUTORY AUTHORITY: 32 M.R.S.A., §§7030(1) and (2),7051,7059

PURPOSE: The board may review and revise its rules regarding enforcement and disciplinary procedures used by the board and the board's interpretation of certain grounds for discipline contained in 32 M.R.S.A. §7059.

SCHEDULE FOR ADOPTION: Summer 2008.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

2007 - 2008 REGULATORY AGENDA

September 24, 2007

AGENCY UMBRELLA-UNIT NUMBER: 02-296

AGENCY NAME:

Department of Professional and Financial Regulation
Office of Licensing & Registration
Board of Speech-Language Pathology, Audiology, and Hearing Aid Dealing and Fitting

CONTACT PERSON:

Penny Vaillancourt, Board Administrator
35 State House Station
Augusta, Maine 04333-0035
Tel: (207) 624-8420

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2007-2008 RULEMAKING **ACTIVITY:**

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S.A., §17101

PURPOSE: The board may review and clarify statutory terms.

SCHEDULE FOR ADOPTION: Spring 2008.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 2: Initial Licensure / SLP Assistant Registrations / Trainee Permits

STATUTORY AUTHORITY: 32 M.R.S.A., §17301, §17302, and §17303

PURPOSE: The board may review and revise the criteria for initial licensure of Speech-Language Pathologists, Audiologists, and Hearing Aid Dealers and Fitters and describe the application process. This section will also include temporary licensure, trainee permits, and registration requirements for SLP Assistants.

SCHEDULE FOR ADOPTION: Spring 2008.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 3: Continuing Professional Education requirements for Renewal of Licensure in Speech-Language Pathology and Audiology and Inactive Status

STATUTORY AUTHORITY: 32 M.R.S.A., §17308 and §17310

PURPOSE: The board may review and revise the requirements for continuing professional education, including hours needed to be relicensed, approval and

relicensing procedures, and define approved Continuing Professional Education activities. The board will also adopt rules to apply for inactive status.

SCHEDULE FOR ADOPTION: Spring 2008.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 4: Scope of Practice / Standards of Practice

STATUTORY AUTHORITY: 32 M.R.S.A., §17304, §17305, §17306

PURPOSE: The board will review and revise the scope of practice of Speech-Language Pathologists, Audiologists, and Hearing Aid Dealers and Fitters.

SCHEDULE FOR ADOPTION: Spring 2008.

AFFECTED PARTIES: Consumers, licensees, and registrants.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 5: Complaints, Code of Ethics, Discipline Imposed by other Jurisdictions

STATUTORY AUTHORITY: 32 M.R.S.A., §17307

PURPOSE: The board will review and revise the code of ethics adopted by the board and a reference to the complaint process followed by the board; additionally, it establishes that discipline imposed by other jurisdictions may lead to disciplinary sanctions in Maine.

SCHEDULE FOR ADOPTION: Spring 2008.

AFFECTED PARTIES: Licensees and consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

2007 - 2008 REGULATORY AGENDA

September 24, 2007

AGENCY UMBRELLA-UNIT NUMBER: 02-296

AGENCY NAME:

Department of Professional and Financial Regulation
Office of Licensing & Registration
Board of Examiners on Speech-Language Pathology and AUdiology

CONTACT PERSON:

Penny Vaillancourt, Board Administrator
35 State House Station
Augusta, Maine 04333-0035
Tel: (207) 624-8420

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2007-2008 RULEMAKING ACTIVITY: The board's rules may be repealed pursuant to PL 2007, c. 369, §C-4 upon the adoption of **superseding** rules by the new Board of Speech-language Pathology, Audiology and Hearing Aid Dealing and Fitting.

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 MoR.S.A., §6013(2)

PURPOSE: The board may review and revise the terms used in these rules.

SCHEDULE FOR ADOPTION: Spring 2008.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 2: Initial Licensure

STATUTORY AUTHORITY: 32 M.R.S.A., §§6013(2), 6020-A(1), 6021,6022, 6024,6025,6027,and6028

PURPOSE: The board may review and revise the criteria for initial licensure of Speech-Language Pathologists and Audiologists and describe the application process.

SCHEDULE FOR ADOPTION: Spring 2008.

AFFECTED PARTIES: Applicants for licensure and licensees.

~~CONSENSUS-BASED~~ RULE DEVELOPMENT: Not expected.

CHAPTER 3: Continuing Professional Education requirements for Renewal of Licensure in Speech-Language Pathology and Audiology

STATUTORY AUTHORITY: 32 M.R.S.A., §§6013, 6025, 6027, and 6030

PURPOSE: The board may review and revise the requirements for continuing professional education, including hours needed to be relicensed, approval and relicensing procedures, and define approved Continuing Professional Education activities.

SCHEDULE FOR ADOPTION: Spring 2008.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 4: The Registration and Use of Speech-language Pathology Aides and Speech Language Pathology Assistants by Board Licensed Speech-Language Pathologists

STATUTORY AUTHORITY: 32 M.R.S.A., §§6003(7) and (7-A), 6004(2) and (3), 6013, and 6020-A(2)

PURPOSE: The board may review and revise the requirements for registration and utilization of Speech-Language Pathology Aides and Speech-language Pathology Assistants.

SCHEDULE FOR ADOPTION: Spring 2008.

AFFECTED PARTIES: Consumers, licensees, and registrants.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 5: Scope of Practice

STATUTORY AUTHORITY: 32 M.R.S.A., §§ 6003(2) and (6) and 6013(2)

PURPOSE: The board will review and revise the scope of practice of Speech-language Pathologists and Audiologists.

SCHEDULE FOR ADOPTION: Spring 2008.

AFFECTED PARTIES: Consumers, licensees, and registrants.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 6: Complaints, Code of Ethics, Discipline Imposed by other Jurisdictions

STATUTORY AUTHORITY: 32 M.R.S.A., §§ 6003(3-A), 6013(2), and 6026(2)

PURPOSE: The board will review and revise the code of ethics adopted by the board and a reference to the complaint process followed by the board; additionally, it establishes that discipline imposed by other jurisdictions may lead to disciplinary sanctions in Maine.

SCHEDULE FOR ADOPTION: Spring 2008.

AFFECTED PARTIES: Licensees and consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 7: Fees

STATUTORY AUTHORITY: 10 MRSA §8003(2-A)(D).

PURPOSE: The Board may repeal existing fee provisions, in the event that OIR establishes fees for this board directly pursuant to 10 MRSA §8003(2-A)(D).

SCHEDULE FOR ADOPTION: Spring 2008.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

2007-2008 REGULATORY AGENDA

September 25, 2007

AGENCY UMBRELLA-UNIT NUMBER: 02-041-4077

AGENCY NAME: Department of Professional and Financial Regulation
Office of Licensing and Registration
Transient Sales

CONTACT PERSON:

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Office of Licensing and Registration
Dept. of Professional & Financial Regulation
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EMERGENCY RULES **ADOPTED** SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2007-2008 RULE-MAKING ACTIVITY: Currently no rules exist for this program; however, rules may become necessary in the future if statutory changes are enacted to increase the bond penalty for **Transient Sellers and to refine the Transient Sellers' and Door-to-Door Home Repair Sellers'** scopes-of-practice to distinguish them from those of persons engaged in the provision of financial products and persons engaged in the building trades, respectively.

CHAPTER NUMBER: N/A

CHAPTER TITLE: N/A

STATUTORY BASIS: None currently.

PURPOSE: To clarify the limitations of Transient Seller registration as respects activities for which product-specific licensure, registration or authorization is required, and to incorporate provisions of the Federal Trade Commission's Telemarketing Sales Rule.

SCHEDULE FOR ADOPTION: Fall 2008.

AFFECTED PARTIES: Registrants and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

Maine Administrative Procedure Act
2007 - 2008 Regulatory Agenda
September 18, 2007

AGENCY UMBRELLA-UNIT NUMBER: 02-285

AGENCY NAME: Department of Professional & Financial Regulation, Office of Licensing & Registration, Board of Veterinary Medicine

CONTACT PERSON: Geraldine L. Betts, Board Administrator, 35 State House Station, Augusta, ME 04333-0035, tel. (207) 624-8625

EMERGENCY RULES ADOPTED **SINCE** THE LAST REGULATORY AGENDA: NONE

EXPECTED 2007-2008 RULE-MAKING ACTIVITY: The Board will review and amend current rules as may be necessary. Specifically, the Board may review the requirements and procedures for veterinary technicians, requirements and procedures for continuing professional education, and standards of safe and sanitary practices of veterinary clinics. Other rules affected by licensing and/or continuing education changes may be subject to change. Outdated or duplicative rules that may exist in 10 MRSA, Part 9, Chapter 901 and rules established by the Office of Licensing and Registration as authorized by 10 MRSA §8003 will be updated or repealed.

CHAPTER 1: Definitions and General Provisions

STATUTORY AUTHORITY: 32 MRSA §§4859(1) and (3), and 4861(5)(C)

PURPOSE: Defines terms used throughout the Board's rules and sets standards for conducting meetings and hearings, issuing advisory rulings, recordkeeping, and the manner in which complaints are handled. The Board may review this for conformance with current statutes and make changes as needed.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 2: Licensure Requirements for Veterinarians and Permit for Performance of Relief Veterinary Service

STATUTORY AUTHORITY: 32 MRSA §§4859(1), 4861(4), AND 4871(2)

PURPOSE: Establish requirements for issuance of a license to practice veterinary medicine and permits for the performance of relief veterinary service including: application, education, experience, and references. The Board may review this for conformance with current statutes and make changes as needed:

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 3: Registration Requirements for Veterinary Technicians

STATUTORY AUTHORITY: 32 MRSA §§4859(6)

PURPOSE: Establish registration requirements and procedures for veterinary technicians. The Board may review this for conformance with current statutes and make changes as needed.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 4: Standards for Continuing Professional Education for Veterinary Doctors

STATUTORY AUTHORITY: 32 MRSA §§4871(2)

PURPOSE: Establish requirements for continuing professional education for licensing renewal. The Board may need to amend this chapter to conform to recently adopted rules by the Office of Licensing and Registration on substantiation of continuing education by licensed practitioners.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 5: Standards for Veterinary Practice Facilities and Recordkeeping

STATUTORY AUTHORITY: 32 MRSA §§4859(3)

PURPOSE: Establish safety, sanitation, and procedural guidelines with which a veterinary clinic must comply. The Board may review this for conformance with current statutes and improve the manner in which veterinary clinics operate within the Board's statutory authority, particularly with regard to recordkeeping.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 6: Enforcement and Disciplinary Procedures

STATUTORY AUTHORITY: 32 MRSA §§4859(3)

PURPOSE: Establish enforcement and disciplinary procedures used by the Board. The Board may review this for conformance with current statutes and make changes as needed.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 7: Code of Ethics

STATUTORY AUTHORITY: 32 MRSA §§4859(2) and (3), and 4864(11)

PURPOSE: Establish professional practice standards for the practice of veterinary medicine. The Board may review this chapter and make changes to reflect current practice expectations for the protection of the public being served.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated